

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

W. M. MARSHALL,

Plaintiff,

vs.

MIDLAND SHOE COMPANY,
a Corporation,

Defendant.

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CIVIL ACTION

NO. 70-C-348

MAR 31 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

On this 31 day of March, 1972, there comes before this Court the Stipulation of Parties to Dismiss Action filed in the captioned cause on February 28, 1972. The Court, having examined the Stipulation, approves the Stipulation as a Dismissal by the plaintiff of the captioned cause with prejudice, and the Court finds that the captioned cause should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the cause of action in favor of W. M. Marshall, plaintiff, and against Midland Shoe Company, a corporation, defendant should be and is hereby dismissed with prejudice against the rights of the plaintiff to again file said cause.

/s/ Allen E. Barrow

Judge Allen E. Barrow
United States District Court
Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ANTHONY EARL WRONE,

Petitioner,

vs.

PARK J. ANDERSON, Warden,
Oklahoma State Penitentiary,
McAlester, Oklahoma,

Respondent.

NO. 71-C-284

FILED

MAR 31 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

The Court has for consideration the habeas corpus petition of Anthony Earl Wrone, an inmate in the Oklahoma State Penitentiary. The Court finds that pursuant to Rule 21, F.R.C.P., the Court should motu proprio add as the proper party respondent Park J. Anderson, Warden, Oklahoma State Penitentiary, and drop Ray H. Page as party respondent. Further, it appears that petitioner's State remedies have been exhausted by an appeal, denied January 29, 1969, and by a writ of habeas corpus, A-16283, also denied by the Oklahoma Court of Criminal Appeals, February 17, 1971, reported Wrone v. Page, Okl. Cr., 481 P.2d 479 (1971).

The facts leading up to the present petition are that after a plea of guilty to larceny of narcotic drugs, Case No. 3586, petitioner was on January 10, 1961, found guilty by the District Court of Washington County, State of Oklahoma, and sentenced to five years imprisonment. The sentencing Court suspended the sentence pursuant to the Oklahoma Statute then in effect, 22 O.S.A. § 991, which reads in pertinent part:

"Whenever any person shall be convicted in any court of record for any crime . . . , the Judge trying said cause may, after sentence, suspend said judgment and sentence, and allow said person so convicted to be released upon his own recognizance. . . ." (Emphasis added)

On the 25th day of June, 1964, the trial Court revoked the suspension of sentence pursuant to the Oklahoma Statute then in effect, 22 O.S.A. § 992, which reads in pertinent part:

". . . Provided, that if it shall be made to appear to said Judge that said person so released [on suspended sentence per § 991] has been guilty of a violation of any law after his said release, or is habitually associating with lewd or vicious persons, or is indulging in vicious habits, in that event said Court shall cause a warrant to be issued for said person, and he shall be delivered forthwith to the place of confinement to which originally sentenced, and shall serve out the full term for which he had originally been sentenced." (Emphasis added)

The petitioner was convicted in Federal Court, and upon completion August 17, 1970, of his federal sentence, petitioner was returned to the State of Oklahoma where he is now serving the sentence imposed and

suspended January 10, 1961, and suspension revoked by the proceeding on June 25, 1964, here challenged as unconstitutional.

The revocation of the suspended sentence resulted from the Washington County Attorney's application therefor based on indictments against the defendant on April 19 and 21, 1964, by a Federal Grand Jury in the Western District of Oklahoma; and the allegation that during April, 1964, Anthony Earl Wrone was observed by Federal Agents associating with known criminals and persons using narcotics.

Petitioner asserts, and respondent does not deny, that the revocation hearing was without notice to the petitioner, without his presence at a hearing, without his having counsel or being able to face and cross-examine his accusers; and, that said revocation was based on an unverified application of the Washington County Attorney setting forth unsworn, incompetent, hearsay testimony. Petitioner contends that such proceeding denied him his right to due process of law and his right to counsel at a hearing where his substantial rights were affected.

The petitioner relies principally for support of his contention on the United States Supreme Court decision in *Mempa v. Rhay*, 389 U. S. 128 (1967). Respondent states that petitioner must rely on that decision, and incorrectly states that the *Mempa* decision is not retroactive. See *McConnell v. Rhay*, 393 U. S. 2 (1968). It was held in *Mempa* that a defendant must be permitted an attorney at sentencing, regardless of what the sentencing proceeding is labeled. Thus, the reliance by both parties on that decision is misplaced since the matter before the Court does not involve sentencing. The respondent has not made available to this Court the files or transcripts of any State proceedings; but contends that this Court has no jurisdiction because the revocation of petitioner's suspended sentence upon an unverified application involves a construction of State procedural statutes which does not rise to a United States constitutional question.

The Oklahoma Statutes, 22 O.S.A. § 991 and § 992, have been repealed, effective May 8, 1967, and the Oklahoma Court of Criminal Appeals has held that the amended Statutes are prospective only, and shall not apply retroactively. The new Statutes provide that the person whose suspended sentence is being considered for revocation has the right to a hearing, representation by counsel, to present evidence in his own behalf, to confront witnesses against him, and to review on appeal. However, under the prior statutes, here involved, and the case law thereunder, a revocation of a suspended sentence was held to be discretionary with the trial Court, and the revocation hearing could be of summary, ex parte character, with no counsel for defendant necessary.

The Court finds that petitioner's conviction, sentence, and suspension of sentence occurred in 1961. The revocation of the suspension

of sentence occurred in 1964. The right to counsel did not apply to the suspended sentence revocation proceeding at that time; and, in fact, the Courts in this year of 1972 are still split on whether an attorney is required in such proceedings. This Court finds that the right to counsel at such hearing is not constitutionally mandated. *Shaw v. Henderson*, 430 F.2d 1116 (5th Cir. 1970); *Gillespie v. Hunter*, 159 F.2d 410 (10th Cir. 1947), but see, *Alvarez v. Turner*, 422 F.2d 214, 220-221 (10th Cir. 1970). The petitioner was sentenced prior to being placed on suspended sentence, and the only effect of revocation was to order commencement of the earlier designated sentence. There was no discretion in the sentencing Court to increase or decrease the original sentence upon the revocation of its suspension. The petitioner does not question the sentencing or the procedures connected with it. He does not contend that the conditions of his suspended sentence were unreasonable. Petitioner does not contend that there was a case of mistaken identity, and he indicates no factual claim that he did not violate one or more of the statutory conditions with which he was required to comply to avoid revocation of his suspended sentence. When a probationer is charged with a crime while on probation, it is not a constitutional prerequisite to revocation of probation that he be convicted of the crime before probation can be revoked. *Amaya v. Beto*, 424 F.2d 365 (5th Cir. 1970). There is no showing by the petitioner that the Court's revocation of his suspended sentence was discriminatory, or that his suspended sentence was revoked for arbitrary or capricious reasons. *Yates v. United States*, 308 F.2d 737 (10th Cir. 1962). Under such circumstances, the petitioner neither claiming nor showing that he has been prejudiced; and, in line with the reasoning and decision in *Murray v. Page*, 429 F.2d 1359 (10th Cir. 1970) dealing, under an Oklahoma parole revocation Statute, 57 O.S.A. § 346, with the identical issue here presented, wherein it was held that application of the Oklahoma parole revocation procedures as prospective only afforded petitioner, whose parole was revoked prior to the decision setting forth such procedures, no right to federal relief; the Court finds that the petition for writ of habeas corpus of Anthony Earl Wrone should be denied.

IT IS, THEREFORE, ORDERED that Park J. Anderson, Warden, Oklahoma State Penitentiary, be and he is hereby added as the proper party respondent, and Ray H. Page is dropped as party respondent.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus of Anthony Earl Wrone be and it is hereby denied for failure to present a federal constitutional question, and the cause of action is dismissed.

Dated this 31st day of March, 1972, at Tulsa, Oklahoma.


CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

30.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and Charles D. Hicks, et
al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-301

Tract No. 1208M

FILED

MAR 31 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 21 day of March, 1972, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1208M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of Process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the property described in such Complaint. Pursuant thereto, on September 25, 1970, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract, a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owners of the estate taken in subject tract were the defendants whose names are shown below in paragraph 12. Such named defendants are the only persons asserting any interest in the estate taken in such tract. All other persons having either disclaimed or defaulted, such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject tract and the United States of America have executed and filed herein Stipulations As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed by the Stipulations As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 12.

10.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 1208M, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of September 25, 1970, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to receive the just

compensation for the estate taken herein in this tract is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulations As To Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sum thereby fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 1208M

Owners:

Oil Rights:

Charles D. Hicks
Adeline Hicks
Lorraine Hicks

Gas Rights:

H. S. Long, guardian of Irvin D. Long, incompetent

Award of just compensation, pursuant
to Stipulations:

Oil Rights - - - - -	\$337.50	
Gas Rights - - - - -	\$337.50	
Total - - - - -	\$675.00	\$675.00
Deposited as estimated compensation - - - - -	120.00	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$675.00
Deposit deficiency - - - - -	\$555.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tract, the deficiency sum of \$555.00, and the Clerk of this Court then shall disburse the deposit in this case as follows:

To: Charles D. Hicks - - - - -	\$112.50
Adeline Hicks - - - - -	\$112.50
Lorraine Hicks - - - - -	\$112.50
H. S. Long, guardian of Irvin	
D. Long, incompetent - - - - -	\$337.50

/s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES O. SULLIVAN, LYLE L. JONES
and WAYNE M. PITLUCK,

Plaintiffs,

vs.

AKIN DISTRIBUTORS, INC. and
JAMES H. HOAG,

Defendants.

No. 72-C-16

FILED

MAR 30 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

Come now the Plaintiffs and the Defendants by their respective attorneys in the above captioned matter and stipulate to the Dismissal with prejudice to refiling of all causes of action in this case.

Doerner Stuart Saunders Daniel Langenkamp
DOERNER, STUART, SAUNDERS, DANIEL & LANGENKAMP

R. Dobie Langenkamp
R. Dobie Langenkamp
1200 Atlas Life Building
Tulsa, Oklahoma 74103
Attorneys for Plaintiffs

FARMER, WOOLSEY, FLIPPO & BAILEY
Attorneys for Defendants
602 National Bank of Tulsa Bldg.
Tulsa, Oklahoma 74103

By: *Lawrence A. Johnson*
Lawrence A. Johnson

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

GLEENDA ROSE GATLIN and
IRIS G. DYER, Guardian
of Gerald Gatlin, a Minor,

Plaintiffs,

vs.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,
a corporation,

Defendant.

No. 70-C-352

FILED

MAR 30 1972 *mm*

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

After reviewing the file and record in this cause, the
recommendations of the Magistrate are hereby approved, and

IT IS, THEREFORE, ORDERED THAT the Motion of the defendant
for summary judgment be and the same is hereby sustained.

The Clerk of the Court shall forward by mail a copy of
this Order to each of the attorneys for the above-named plain-
tiffs and defendant.

DATED this 25th day of February, 1972.

William E. Sanow
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

LOIS INGRAM,

Plaintiff,

-vs-

OSAGE OIL AND TRANSPORTATION,
INC.,

Defendant.

No. 71-C-349

FILED
MAR 30 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL

Comes now the parties to the above-styled case, represented by
and through their attorneys of record, and hereby stipulate to the dismissal
of the above and foregoing cause of action by the plaintiff.

WOODSON & GASAWAY

By: _____

Attorneys for Plaintiff

Carl D. Hall, Jr., Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

CRC CROSE INTERNATIONAL, INC.,
Plaintiff,

vs.

UNITED STATES OF AMERICA; PARKHILL
PIPELINE, INC.; CANADIAN PARKHILL
PIPE STRINGING, LTD.; and CANADIAN
PARKHILL CONSTRUCTION EQUIPMENT, LTD.,
Defendants.

CIVIL ACTION
No. 70-C-365 ✓

FILED

MAR 29 1972 *R*

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER DIRECTING DISBURSEMENT OF
FUNDS HELD IN ESCROW AND FINAL JUDGMENT

Plaintiff CRC Crose International and defendant, United States of America, having filed their joint motion for an order directing distribution of funds held in escrow and for final judgment, and the Court having considered the pleadings on file and orders of this Court previously made and having heard the representations of counsel and being otherwise fully advised in the premises, now, therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the First National Bank & Trust Company of Tulsa, Tulsa County, Oklahoma, is directed to distribute the funds held in escrow by it pursuant to that certain agreement dated September 25, 1970, a copy of which is attached hereto as Exhibit A by dividing said sum equally between the United States of America and CRC Crose International, Inc., both of whom are parties to said agreement:

2. That the Clerk of this Court shall advise The First National Bank & Trust Company of Tulsa, Tulsa County, Oklahoma, of this Court's direction by mailing a certified copy of this Order to The First National Bank & Trust Company of Tulsa, Oklahoma, and that the First National Bank & Trust Company of Tulsa, Oklahoma, shall make such distribution within a reasonable period of time in the manner prescribed by such agreement but not later than fourteen (14) days from receipt of a certified copy of this Order.

3. That the plaintiff CRC Crose International, Inc. do have and recover of the said defendant Parkhill Pipeline, Inc. the sum of \$194,069.65, which includes attorney's fees as provided in the note and interest accrued to March 31, 1972, the total of which said Judgment will bear interest as provided by law, and that execution issue in its behalf therefor.

4. That the rights and claims of plaintiff, CRC Crose International, and the defendant, United States of America, against Parkhill Pipeline, Inc., Canadian Parkhill Pipe Stringing, Ltd., and Canadian Parkhill Construction Equipment, Ltd., shall be unaffected and shall not be prejudiced by this Order and the dismissal of this action.

5. That, except to the extent that the amount received by CRC Crose International, Inc., from the First National Bank & Trust Company of Tulsa, Tulsa County, Oklahoma, reduces their indebtedness to CRC Crose International, Inc., the dismissal without prejudice of this action of the plaintiff, CRC Crose International, Inc., against the defendants, Canadian Parkhill Pipe Stringing, Ltd., and Canadian Parkhill Construction Equipment, Ltd., shall be without prejudice and without affecting any claims said plaintiff may have against said defendants, including plaintiff's claims that these defendants are liable to plaintiff for the indebtedness which plaintiff made the subject matter of this litigation.

6. That, except to the extent that the amount received by the United States of America from the First National Bank & Trust Company of Tulsa, Tulsa County, Oklahoma, reduces their indebtedness to the United States of America, the dismissal of this action shall be without prejudice and without affecting any claims that the United States of America may have against the defendants, Canadian Parkhill Pipe Stringing, Ltd., Canadian Parkhill Construction Equipment, Ltd., and Parkhill Pipeline, Inc.


UNITED STATES DISTRICT JUDGE

APPROVED:



NATHAN G. GRAHAM

United States Attorney
Attorney for defendant,
United States of America



T. HILLIS ESKRIDGE

Attorney for Plaintiff,
CRC Crose International, Inc.

EXHIBIT G

AGREEMENT FOR SALE

This Agreement is entered into this 25th day of September, 1970, by and between the Internal Revenue Service of the United States of America (hereinafter "Internal Revenue Service"); Parkhill Pipeline, Inc. (formerly Canadian Parkhill Pipe Stringing, Inc.) (hereinafter "Inc."); Canadian Parkhill Pipe Stringing, Ltd. (hereinafter "Ltd."); Canadian Parkhill Construction Equipment, Ltd. (hereinafter "Construction"); and CRC-Crose International, Inc. (hereinafter "CRC").

RECITALS

1. Mr. George O. Lethert, District Director of Internal Revenue, St. Paul, Minnesota (District Director), executes this Agreement on behalf of the Internal Revenue Service of the United States of America pursuant to statutory authorization of Sections 6325(b)(3) and 6343 of the Internal Revenue Code and the regulations pertaining thereto.

2. Ltd., a corporation incorporated under the Dominion laws of Canada, is the sole shareholder of Construction and Inc.

A. Construction is incorporated under the Dominion laws of Canada.

B. Inc. is a corporation incorporated under the laws of the State of New York.

3. CRC is incorporated under the laws of the State of Texas.

4. On December 1, 1969, Inc. executed and delivered to CRC a promissory note and Security Agreement in the principal sum of \$145,008.52, copies of which are attached hereto and incorporated herein as Exhibits A and B, granting an alleged security interest in certain equipment listed thereon. As of September 15, 1970, the principal sum of \$145,008.52 is presently owing together with interest of \$9,063.58 and together with the costs, charges, and expenses specified in Exhibit B.

5. The described equipment in the Security Agreement (Exhibit B) is the subject matter of this Agreement for Sale and is located at Broken Arrow, Tulsa County, Oklahoma, and consists of one full automatic double jointer complete with three stage capping stations, Serial No. 73012. CRC filed a Financing Statement on January 5, 1970, a copy of which is attached hereto as Exhibit C, with the Office of the Recorder of Deeds for Bureau County, Illinois. On January 7, 1970, CRC filed a Financing Statement, a copy

why?

of which is attached hereto as Exhibit D, with the Clerk of Tulsa County, Oklahoma. On May 4, 1970, CRC filed a copy of the Financing Statement attached hereto as Exhibit E and a copy of the Security Agreement shown as Exhibit B with the Clerk of Oklahoma County, Oklahoma City, Oklahoma. A copy of the receipt evidencing that filing is attached hereto on Exhibit E. On May 5, 1970, CRC filed a Security Agreement attached hereto as Exhibit B with the Secretary of State of the State of Illinois, Springfield, Illinois, and a copy of the receipt evidencing that filing is attached hereto as Exhibit F. *why?*

6. On February 6, 1970, the Internal Revenue Service made an assessment against Inc. for withholding and Federal Insurance Contribution Act taxes for the Third and Fourth Quarters of 1969 in the sum of \$792,125.06. A notice of lien relative to such taxes was filed with the Secretary of State for the State of New York on February 9, 1970, a copy of which is attached hereto as Exhibit G. Like notices were filed with the Recorders of Deeds of Bureau County, Illinois; Hennepin County, Minnesota; and Ramsey County, Minnesota, on February 16, 1970. Notices of lien were also

filed with the Register of Deeds in Tulsa County, Oklahoma, on April 21, 1970, and with the Recorder of Deeds in Washington, D.C. on May 12, 1970. A Notice of Seizure, a copy of which is attached as Exhibit H. was issued on April 21, 1970, covering certain personal property seized by the Internal Revenue Service at Tulsa, Oklahoma. The Internal Revenue Service is presently investigating prior tax returns of Inc. concerning payment of 1967, 1968, and 1969 Federal income taxes and additions thereto, and 1969 Federal withholding taxes under Chapter 3 of Subtitle A of the Internal Revenue Code of 1954. The principal amount of taxes assessed by the Internal Revenue Service as of April 20, 1970, is with respect to the aforesaid withholding and Federal Insurance Contribution Act taxes, including penalties and interest, in the amount of \$793,416.73.

7. The note and Security Agreement from Inc. to CRC is presently in default and pursuant to its rights, if any, under said Note and Security Agreement, CRC may seek to foreclose and sell the equipment covered by its Security Agreement as a Secured Creditor. CRC has made a demand upon the Internal Revenue Service and Inc. for release of the equipment described in the Security Agreement of Inc. but the Internal Revenue Service has refused to release the

equipment contending that the equipment was subject to lien for payment of the taxes of Inc. Construction, Ltd., and Inc. desire to liquidate the fully automatic double jointer complete with three stage capping stations, Serial No. 73012, and to recover in cash such right, title, and interest as each corporation may respectively be determined to have in the equipment covered by the Security Agreement. The Internal Revenue Service desires to sell the property listed in the notices of seizure in order to satisfy its tax liens, if any.

8. The parties hereto are in substantial dispute over the ownership of the property involved as between the parties hereto and the respective priorities to be accorded the mortgage lien, if any, of CRC and the tax liens, if any, of the Internal Revenue Service on the said double jointer.

9. The First National Bank and Trust Company of Tulsa, Tulsa, Oklahoma, is a suitable escrowee.

10. A prompt sale of the full automatic double jointer described in paragraph 5 above (and Exhibit B hereto) at the earliest practical date to a buyer and at a price acceptable to the parties to this Agreement is in the best interests of all parties and will maximize the monetary return from the sale.

11. The District Director and CRC are willing to forebear and withhold all collection measures employed to enforce collection of debts against the aforementioned double jointer which has been seized.

12. Inc., Ltd., Construction, and CRC hereby apply for permission to sell the equipment referred to in paragraph 5 free and clear of all Internal Revenue liens, with the proceeds subject to this Agreement.

AGREEMENT

In consideration of the mutual covenants contained herein and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The purpose of this Agreement is to establish a plan for the sale of the full automatic double jointer (complete with 3-stage capping stations, Serial No. 73012), located at Broken Arrow, Tulsa County, Oklahoma, which has been seized by the Internal Revenue Service, and the proceeds from the sale of this equipment are to be held in escrow as a fund subject to the liens and claims of the Internal Revenue Service and CRC in the same manner and with the same priority

as such liens and claims had with respect to the item of property sold.

2. The property shall be sold to McVean & Barlow, Inc., Box 151, Odessa, Texas 79760 (hereafter referred to as "Purchaser"). Purchaser shall acquire the property by delivering to The First National Bank and Trust Company of Tulsa, Tulsa, Oklahoma, a certified check in the amount of One Hundred Fifty Thousand Dollars (\$150,000). This sale shall be consummated pursuant to the terms and conditions of this Agreement and all of the rights of the parties are to be governed by the terms of this Agreement.

3. The sale shall in no way prejudice the existence, relative priorities, or perfection of any liens upon, or claims against, the equipment to be sold and all liens, claims and rights to payment related thereto, including but not limited to the Security Agreement and lien of CRC, and the tax liens of the Internal Revenue Service, shall continue in the proceeds of the item of equipment sold without waiver of or prejudice to any claim, demand, right, or defense by any of the respective parties in the same manner and with the same priority as such liens, claims, and rights have with respect to the item of equipment sold. All provisions of

Canadian or American law, as applicable, concerning the sale and substitution of proceeds less administration expenses for original collateral, whether pursuant to agreement or otherwise, shall be deemed to have been complied with and the procedures followed herein are commercially reasonable. Administration expenses are to include the cost of sale of the equipment including escrow fees.

4. Nothing in this Agreement is to be construed as a prohibition against the Internal Revenue Service making additional tax assessments and acquiring further liens under Section 6321 of the Internal Revenue Code of 1954 on the net proceeds of the sale herein.

5. The purchaser of the item of equipment will at the time of sale deliver a certified check in the amount of One Hundred Fifty Thousand Dollars (\$150,000) to The First National Bank and Trust Company of Tulsa, Tulsa, Oklahoma, which amount will be held in trust subject to the determination of the rights and priorities of the respective parties to the proceeds by an appropriate action in a United States District Court (and any appeal from the judgment of said Court) or by written agreement of the parties. Said escrowee shall hold the proceeds subject to the liens and/or claims, if any,

of each party hereto in the same manner and with the same priority as such liens and claims had with respect to the item of equipment sold.

6. The statute of limitations on collection of the tax liability of Inc. involved herein shall be suspended during the duration of this Agreement and for one year thereafter. Inc.'s responsible officers will execute waivers of the statute of limitations on collection of said taxes upon the request of the District Director.

7. The District Director will release from levy and issue a certificate of discharge with respect to the property sold pursuant to this Agreement.

8. This Agreement and all of its terms and conditions shall inure to the benefit of, and be binding upon, the District Director of Internal Revenue, St. Paul, Minnesota, and his successor or successors in office, and upon Inc., Ltd., Construction, and CRC or their successors and assigns. No modification of this Agreement shall have any force or effect unless the same is in writing and signed by the parties herein.

Date _____

GEORGE O. LETHERT
DISTRICT DIRECTOR OF INTERNAL REVENUE

Date _____

PARKHILL PIPELINE, INC.

Date _____

CANADIAN PARKHILL PIPE STRINGING. LTD.

Date _____

CANADIAN PARKHILL CONSTRUCTION
EQUIPMENT, LTD.

Date _____

CRC-CROSE INTERNATIONAL, INC.

IN SENATE
JANUARY 11, 1971
COMMITTEE ON LABOR AND HUMAN RESOURCES

JOHN F. WOODSON

Plaintiff,

No. 71-01-347

OSAGE OIL AND TRANSPORTATION,
INC.,

Defendant.


DISMISSAL WITHOUT PREJUDICE

Comes now the above plaintiff and dismisses the above and foregoing cause of action without prejudice.

WOODSON & GASAWAY

By: 

Attorneys for Plaintiff


Lois Ingram, Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAMES L. BARTON,

PLAINTIFF,

VS.

LEE S. BARTON. INDIVIDUALLY
AND AS TRUSTEE FOR THE
ESTATE OF JANE BARTON, DECEASED,
ET AL..

DEFENDANTS.

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) 71-C-230 ✓
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)
) FILED
) MAR 29 1972
) JONK A. FEE, CLERK
) U. S. DISTRICT COURT

ORDER SUSTAINING MOTION TO DISMISS FOR FAILURE
TO COMPLY WITH ORDERS OF THE COURT

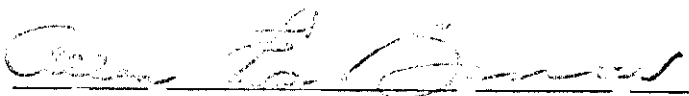
THE COURT HAS FOR CONSIDERATION THE MOTION TO DISMISS
FOR FAILURE TO COMPLY WITH ORDERS OF THE COURT, AND HAVING
CAREFULLY EXAMINED THE ENTIRE FILE, FINDS:

THAT ON DECEMBER 8, 1971, PLAINTIFF WAS ORDERED TO
INITIATE CERTAIN PRETRIAL ACTIVITIES AND CONFERENCES ON OR
BEFORE JANUARY 12, 1972 AND PRESENT SAID PRETRIAL ORDER TO
THE COURT NO LATER THAN JANUARY 19, 1972. ON OR ABOUT JANUARY
20, 1972 PLAINTIFF'S COUNSEL REQUESTED AN ADDITIONAL THIRTY
DAYS EXTENSION FOR FILING SAID PRETRIAL ORDER, INDICATING SAID
COUNSEL HAD ADVISED PLAINTIFF OF THEIR WITHDRAWAL AS ATTORNEYS
OF RECORD FOR PLAINTIFF. ON FEBRUARY 24, 1972. THE COURT
GRANTED PLAINTIFF 10 DAYS FROM SAID DATE TO FILE PRETRIAL ORDER.

THE COURT FINDS THAT PLAINTIFF HAS FAILED TO COMPLY WITH
THE ORDER OF THIS COURT, AND, THAT PURSUANT TO RULE 41(B) THE
PLAINTIFF'S CAUSE OF ACTION AND COMPLAINT SHOULD BE DISMISSED.

IT IS, THEREFORE, ORDERED THAT DEFENDANTS' MOTION TO
DISMISS FOR FAILURE TO COMPLY WITH ORDERS OF THE COURT BE AND
THE SAME IS HEREBY SUSTAINED.

IT IS FURTHER ORDERED THAT PURSUANT TO RULE 41(B) THIS
CAUSE OF ACTION AND COMPLAINT BE AND THE SAME IS HEREBY DISMISSED.
ENTERED THIS 28 DAY OF March, 1972.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

EVELYN HIGHT

Plaintiff,

vs.

CENTRAL NATIONAL INSURANCE GROUP
OF OMAHA

Defendant.

No. 72-C-1

FILED

MAR 28 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

APPLICATION FOR DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff, Evelyn Hight, acknowledging full and final settlement of all her claims and causes of action against the above named defendant, Central National Insurance Group of Omaha, Nebraska, and hereby respectfully moves the Court to dismiss with prejudice her above entitled cause and action against the above named defendant.

DATED this 17th day of March, 1972.

EVELYN HIGHT, Plaintiff

KELLY & GAMBILL
ATTORNEYS FOR PLAINTIFF

By Bruce W. Gambill
BRUCE W. GAMBILL

ORDER DISMISSING CAUSE WITH PREJUDICE

BE IT REMEMBERED on this 27th day of March, 1972, on the foregoing Request and Motion of the plaintiff for Dismissal with Prejudice, and for good cause shown, it is by the Court

ORDERED that the above entitled cause and action be dismissed against the above named defendant, with prejudice.

W. Luther Bohannon
JUDGE

O.K.

KELLY & GAMBILL

By Bruce W. Gambill
BRUCE W. GAMBILL

CHEEK, CHEEK & CHEEK

By John D. Cheek
JOHN D. CHEEK
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DANNY PONDER, ESTHER CHESHEWALLA,
AND MATTHEW COATS, INDIVIDUALLY
AND ON BEHALF OF ALL OTHER PERSONS
SIMILARLY SITUATED.

PLAINTIFFS,

VS.

ROBERT R. LESTER, COMMISSIONER OF
DEPARTMENT OF PUBLIC SAFETY FOR
THE STATE OF OKLAHOMA; DAVID HALL,
GOVERNOR OF THE STATE OF OKLAHOMA;
AND LARRY DERRYBERRY, ATTORNEY
GENERAL OF THE STATE OF OKLAHOMA,

DEFENDANTS.

72-C-59

FILED

MAR 23 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER SUSTAINING DEFENDANTS' MOTION
FOR CHANGE OF VENUE AND TRANSFERRING CAUSE
OF ACTION

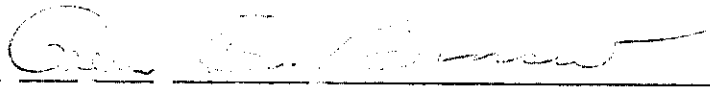
THE COURT HAS FOR CONSIDERATION AN ALTERNATIVE MOTION
FOR CHANGE OF VENUE OR DISMISSAL FILED BY THE DEFENDANTS HEREIN,
THE BRIEF IN SUPPORT THEREOF, AND PLAINTIFFS CONSENT TO CHANGE OF
VENUE, AND, BEING FULLY ADVISED IN THE PREMISES, FINDS:

THAT THE MOTION FOR CHANGE OF VENUE FILED BY THE DEFENDANTS
SHOULD BE SUSTAINED AND THIS CAUSE OF ACTION TRANSFERRED TO THE
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA.

IT IS, THEREFORE, ORDERED THAT DEFENDANT'S MOTION FOR
CHANGE OF VENUE BE AND THE SAME IS HEREBY SUSTAINED.

IT IS FURTHER ORDERED THAT THIS CAUSE OF ACTION BE AND
THE SAME IS HEREBY TRANSFERRED TO THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA.

ENTERED THIS 28 DAY OF MARCH, 1972.



UNITED STATES DISTRICT JUDGE

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OKLAHOMA

KAROL HETZINGER PUGHLEE,
Executrix of the Estate of
ERIC STANTON PUGHLEE,
Deceased,

Plaintiff,

vs.

CECIL E. TAYLOR,

Defendant.

No. 71-C-410

FILED


MAR 23 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

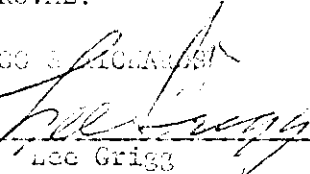
ON this 23 day of March, 1972, upon the written application of the parties for a Dismissal With Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the plaintiff filed herein against the defendant be and the same hereby are dismissed with prejudice to any future action.


JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

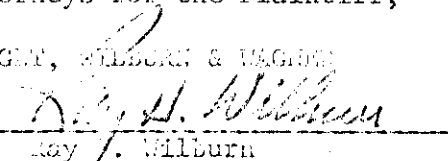
APPROVAL:

CRIGG & MICHAELS

By: 
Lee Grigg

Attorneys for the Plaintiff,

KNIGHT, WILBURN & HAGGARD

By: 
Roy J. Wilburn

Attorneys for the Defendant.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA


WILLIAM B. PAYNE, Guardian of)
the Person and Estate of JOHN)
STEPHEN FREEMAN,)
Plaintiff,)
vs.)
GREEN GIANT COMPANY, a)
foreign corporation,)
Defendant.)

FILED
MAR 23 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

No. 71-C-285 ✓

MOTION TO DISMISS

COMES now the plaintiff and moves this Court to grant the dismissal of this action without prejudice for the reason that the differences and the controversies existing between the parties have been settled to the satisfaction of both parties and both plaintiff and defendant agree and stipulate that this dismissal without prejudice may be filed for disposition of the action.


Attorney for Plaintiff

FILED

MAR 24 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

For good cause shown and by reason of stipulation and agreement between counsel for plaintiff and defendant, it is hereby ordered that this case be dismissed without prejudice and the cost taxed to plaintiff herein.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM F. PITZER and MYRTLE)
M. PITZER, husband and wife,)
)
Plaintiffs,)
)
vs.)
)
ROBERT W. PHILLIPS and DELORES)
G. PHILLIPS, husband and wife,)
et al,)
)
Defendants.)

No. C-70-396 ✓

FILED
MAR 23 1972
JOHN H. POE, CLERK
U. S. DISTRICT COURT

ORDER APPROVING UNITED STATES MARSHALL'S SALE

NOW, on this 22nd day of March, 1972, the Plaintiffs,
William F. Pitzer and Myrtle M. Pitzer, husband and wife, by their
attorney, Lawrence A. Johnson, have moved this Court to confirm
the sale of real estate made by the United States Marshall of the
Northern District of the State of Oklahoma on the 24th day of Jan-
uary, 1972, to the said William F. Pitzer and Myrtle M. Pitzer,
husband and wife, being residents of the City of San Diego, Cali-
fornia, under Writ of Execution and Order of Sale after apprais-
ment issued out of the United States District Court Clerk's office
for the Northern District of Oklahoma, dated the 26th day of Nov-
ember, 1971, of the following described property:

The Southerly 50 feet of the West
115 feet, and the Southerly 60 feet
of the Easterly 25 feet of Lot 7,
Block 88, in the original Town, now
City of Tulsa, Tulsa County, State
of Oklahoma, according to the offi-
cial recorded plat thereof.

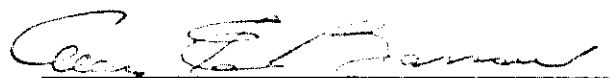
The Defendants, Robert W. Phillips and Delores G. Phil-
lips, husband and wife, were not present in Court, but appeared
by their attorney, Robert F. Biolchini. The Defendant, First City
Bank of Springfield, Missouri, appeared by and through its attor-
ney, Jim Jessup. The Court after having examined all of the pro-
ceedings herein, finds that it has the power at equity either to
refuse the confirm the sale or to confirm the sale upon equitable

1 grounds. The Court has noted that the said Defendants have stipu-
2 lated that all aspects of the sale were valid and further finds no
3 evidence of fraud, or irregularity or gross inadequacies as to
4 the evaluation of the hotel and further finds that the amount bid
5 by the Plaintiffs was not so grossly inadequate as to shock the
6 conscience of the Court. The Court finds that there is total ab-
7 scence of fraud, no showing of fraud in these proceedings and no
8 showing of inadequate consideration or evaluation of the property.
9 The Court finds that the parties knew of previous appraisals of
10 this property by the Urban Renewal Authority closely comparable
11 to the appraisal by the Court appointed appraisers. The Court
12 further finds that the First City Bank of Springfield, Missouri
13 was at all times fully protected by law in that they could have
14 bid at the United States Marshall's sale an amount in excess of
15 that bid by the Plaintiffs. The Court finds, therefore, that the
16 sale conducted by the United States Marshall of the Northern Dis-
17 trict of Oklahoma on the 24th day of January, 1972, was in all re-
18 spects valid and regular, and finds that the objections to con-
19 firmation of the United States Marshall's sale should be overruled.
20 And, the Court having carefully examined the proceedings of the
21 said Marshall under the Writ of Execution and Order of Sale and
22 being satisfied that the same has been performed in all respects
23 in conformity to law, that due and legal notice of sale was given
24 by publication as provided for by law in the Tulsa Tribune, a news-
25 paper printed in Tulsa County, State of Oklahoma as shown by proof
26 of said publication on file; and, IT IS ORDERED AND ADJUDGED BY
27 THE COURT, that said sale and the proceedings be, and the same
28 are hereby approved and confirmed and it is further ordered that
29 Harry Connolly, United States Marshall of said District make and ex-
30 ecute to the said purchaser at said sale, William F. Pitzer and
31 Myrtle M. Pitzer, husband and wife, a good and sufficient deed for

1 the premises so sold.

2 It is further ordered and adjudged by the Court that the
3 objections filed by the Defendants, Robert W. Phillips and Delores
4 G. Phillips, husband and wife, First City Bank of Springfield,
5 Missouri, should be and same are hereby overruled

6 IT IS FURTHER ORDERED that the said William F. Pitzer
7 and Myrtle M. Pitzer, husband and wife, the purchasers of said
8 premises, lands and tenements at said sale, as aforesaid, by imme-
9 diately let into possession of said premises, and each and every
10 part thereof; and the Clerk of this Court is ordered to issue a
11 Writ of Assistance to the United States Marshall of this District,
12 directing him to place the said William F. Pitzer and Myrtle M.
13 Pitzer, husband and wife, purchasers of the said premises, in full
14 possession thereof; and the said Defendants, and every other person
15 who has come into possession of said premises, or any part thereof,
16 under said Defendants, since the commencement of this action, shall
17 upon presentation of such writ of assistance, immediately deliver
18 possession thereof to the said purchasers, and the refusal of the
19 Defendants or of anyone in possession of said premises or any part
20 thereof under Defendants, as aforesaid, to deliver immediate posse-
21 ssion of the said premises to the said purchasers, shall consti-
22 tute contempt of this Court.

23
24 

25 JUDGE OF THE UNITED STATES DISTRICT
26 COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

27 LAJ:pjw
28 3-22-72

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CERTIFICATE OF SERVICE

I, Lawrence A. Johnson, do hereby certify that I mailed
a true and correct copy of the foregoing instrument to the follow-
ing persons by depositing same in the U. S. Mails, Tulsa, Oklahoma,
this 22nd day of March, 1972.

Mr. Ollie Gresham
905 Mayo Building
Tulsa, Oklahoma 74103

Mr. James R. Winnie
501 Mercantile Building
Oklahoma City, Oklahoma 73100

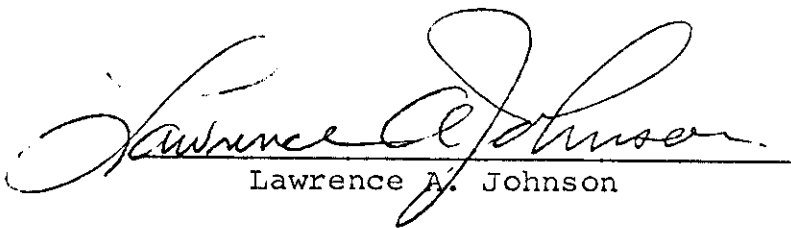
Mr. L. K. Smith
World Building
Tulsa, Oklahoma 74103

Mr. Robert P. Santee
Asst. U. S. Attorney
Tulsa Federal Building
Tulsa, Oklahoma 74103

Judge Allen E. Barrow
Tulsa Federal Building
Tulsa, Oklahoma 74103

Mr. Robert F. Biolchini
1200 Atlas Life Building
Tulsa, Oklahoma 74103

Mr. W. J. Chronos
Mayo Building
Tulsa, Oklahoma 74103


Lawrence A. Johnson

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MISSOURI-KANSAS-TEXAS RAILROAD
COMPANY, a corporation,

Plaintiff

vs

JAMES L. BAKER d/b/a LUMBER PRODUCTS
COMPANY, and O. L. CURD, JR. d/b/a
CURD LUMBER COMPANY,

Defendants.)

No. 71-C-163

FILED

MAR 22 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

Now, on this 22 day of March, 1972, this matter comes on for hearing before the undersigned United States District Judge, with the plaintiff being represented by its attorney, A. Camp Bonds, Jr., of Bonds, Matthews and Bonds, and the defendant, James L. Baker d/b/a Lumber Products Company, represented by his attorney, Robert F. Biolchini, of Doerner, Stuart, Saunders, Daniel and Langenkamp, and the defendant, O. L. Curd, Jr. d/b/a Curd Lumber Company, represented by his attorney, William C. Anderson, of Doerner, Stuart, Saunders, Daniel and Langenkamp, and the court being fully advised in the premises finds as follows:

That the defendant O. L. Curd, Jr. d/b/a Curd Lumber Company is now deceased and the cause of action against him has not been revived and for that reason the cause of action against said defendant, O. L. Curd, Jr. d/b/a Curd Lumber Company should be dismissed.

That the defendant, James L. Baker d/b/a Lumber Products Company, is indebted to the plaintiff in the sum of \$1,005.53 as set forth in plaintiff's petition, and that such debt is just, due and owing together with interest thereon at the rate of six per cent (6%) per annum from October 8, 1969, until the date of this judgment and interest at the rate of ten per cent (10%) per annum from date of judgment until paid, and costs of this action.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that the cause of action against O. L. Curd, Jr. d/b/a Curd Lumber Company be, and the same is hereby, dismissed for the reason that the said defendant is now deceased and the cause of action against said defendant, O. L. Curd, Jr. d/b/a Curd Lumber Company has not been revived.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the plaintiff be, and hereby is, awarded judgment against the defendant, James L. Baker d/b/a Lumber Products Company, in the sum of \$1,005.53 plus interest thereon at the rate of six per cent per annum from October 8, 1969, until the date of this judgment and interest at the rate of ten per cent per annum from the date of this judgment until paid and all costs of this action, accrued and accruing.

Approved:

A. Camp Bonds, Jr.
APPROVED AS TO FORM

John H. Poe

UNITED STATES DISTRICT JUDGE

ATTORNEY FOR DEFENDANT, JAMES L. BAKER d/b/a LUMBER PRODUCTS COMPANY

ATTORNEY FOR O. L. CURD, JR. d/b/a CURD LUMBER COMPANY, DEFENDANT

BONDS, MATTHEWS
& BONDS

ATTORNEYS AND
COUNSELLORS AT LAW
444 COURT STREET
P. O. BOX 1506
MUSKOGEE, OKLA 74453

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

M. SUMNERS. D/B/A
THE M. SUMNERS COMPANY,
AN INDIVIDUAL,

PLAINTIFF.

VS.

CONTINENTAL COPPER & STEEL
INDUSTRIES, INC.,

DEFENDANT.

69-C-202 ✓

FILED

NOV 27 1972

JOHN M. POE, Clerk
U. S. DISTRICT COURT

ORDER TRANSFERRING CAUSE OF ACTION

THE COURT HAS FOR CONSIDERATION THE MOTION TO TRANSFER
FILED BY THE DEFENDANT. CONTINENTAL COPPER & STEEL INDUSTRIES,
INC., THE BRIEFS AND AFFIDAVITS IN SUPPORT AND OPPOSITION THERE-
TO, THE RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE, AND,
BEING FULLY ADVISED IN THE PREMISES, FINDS:

1. THAT THE RECOMMENDATIONS OF THE UNITED STATES MAGIS-
TRATE NOT BE ADOPTED OR AFFIRMED,

2. THE COURT HAS CAREFULLY EXAMINED THE AFFIDAVITS FILED
BY THE PARTIES AND FINDS THAT PURSUANT TO TITLE 28 U.S.C.A.,
SECTION 1404, AND FOR THE CONVENIENCE OF PARTIES AND WITNESSES,
IN THE INTEREST OF JUSTICE, THIS CAUSE OF ACTION SHOULD BE
TRANSFERRED TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK.

IT IS THEREFORE ORDERED THAT THIS CAUSE OF ACTION BE
AND THE SAME IS HEREBY TRANSFERRED TO THE UNITED STATES DISTRICT

NEW YORK.
COURT FOR THE SOUTHERN DISTRICT OF ~~OKLAHOMA~~.

ENTERED THIS 22 DAY OF March, 1972.

Alan B. Simon

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

10.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and O. R. Cobb, et al.,
and Unknown Owners,

Defendants.)

CIVIL ACTION NO. 70-C-282

Tract No. 952M

FILED

MAR 27 1972

JOHN P. JOHNSON
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 22 day of March, 1972, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 952M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of process has been perfected either personally, or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described above in paragraph 2. Pursuant thereto, on September 15, 1970, the United States of America filed its Declaration of

Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject tract a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the estate taken in such tract. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The owner of the subject property and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject property and the amount fixed by the stipulation as to just compensation; and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out below in paragraph 12.

10.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned, and title to such described

estate is vested in the United States of America as of September 15, 1970, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this tract is vested in the party so named.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, described in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 952M

Owner: Weston C. Wells, Guardian of O. R. Cobb

Award of just compensation	
pursuant to stipulation	\$100.00 \$100.00
Deposited as estimated compensation	50.00
Disbursed to owner	<u>none</u>
Balance due to owner	\$100.00
Deposit deficiency	<u>\$ 50.00</u>

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of subject tract, the deficiency sum of \$50.00, and the Clerk of this Court then shall disburse from the deposit for subject tract, to Weston C. Wells, Guardian of O. R. Cobb, the sum of \$100.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

FILED

MAR 21 1972

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JOHN H. POE, Clerk
U. S. DISTRICT COURT

United States of America,

Plaintiff,

vs.

20.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and Adeline Hicks, et al.,
and Unknown Owners,

Defendants.)

CIVIL ACTION NO. 71-C-19

Tract No. 1207M

J U D G M E N T

1.

On October 13, 1971, this cause came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The Defendants, Charles D. Hicks, Adeline Hicks and Lorraine Hicks, appeared by their attorney, William E. Maddux. No other defendants appeared either in person or by attorney. After being advised by counsel and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estate condemned in Tract No. 1207M, as such tract and estate are described in the Complaint filed in this action.

3.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in the subject tract.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract. Pursuant thereto, on January 1, 1971, the United States of America filed its Declaration of Taking of a certain estate in such described tract, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed, as shown below in paragraph 10.

6.

At the pretrial conference the Defendants who were present offered evidence to the effect that just compensation for the estate taken in the subject tracts should be in the total amount of \$450.00. The Plaintiff declined to offer any evidence to the contrary and agreed that such sum would be just compensation for the property taken. Therefore, the sum of \$450.00 should be adopted by the Court as just compensation in this case, and should be allocated one half for the oil rights and one half for the gas rights.

7.

The Defendants named below in paragraph 10 as owners are the only defendants asserting any interest in the estate condemned in the subject tract. All other defendants having either disclaimed or defaulted, the named defendants were the owners of such estate, as of the date of taking, and as such, are entitled to receive the just compensation awarded by this judgment.

8.

This judgment will create a deficiency between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for the taking of subject property, and a sum of money sufficient to cover such deficiency should be deposited by the Government. Such deficiency is set out below in paragraph 10.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract described in paragraph 2 herein, and such tract, to the extent of the estate described in the Complaint filed herein, is condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned in the subject tract were the defendants whose names appear in the schedule below; the right to receive just compensation for the estate taken in such tract is vested in the parties so named; the sum of \$450.00 hereby is adopted as the award of just compensation for the estate taken in subject tract and is allocated among the various interests, all as follows, to-wit:

Tract No. 1207M

OWNERS:

1. Oil rights only:

Charles D. Hicks1/3

Adeline Hicks 1/3

Lorraine Hicks1/3

2. Gas rights only:

Heirs of the estate of Felix E. Long, deceased, who are:

Viola Long

Wanda Long

Pat Casey

Earline Chapman

Maxine Adams

Award of just compensation		
pursuant to Court's findings	\$450.00	\$450.00
Deposited as estimated compensation	240.00	
Disbursed to owners		none
Balance due to owners		<u>\$450.00</u>
Deposit deficiency	<u>\$210.00</u>	

3.

When such deposit has been made, the Clerk of this Court shall dis-
burse the deposit for the subject tract as follows:

Charles D. Hicks \$75.00

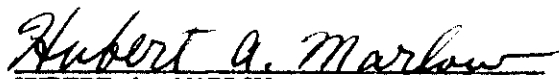
Adeline Hicks 75.00

Lorraine Hicks 75.00

Viola Long, Wanda Long, Pat Casey,
Earline Chapman and Maxine Adams,
jointly, the sum of 225.00


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DENNIS LOANE,)
)
) Petitioner,)
vs.) NO. 71-C-315
)
)
) PARK J. ANDERSON, Warden,
) Oklahoma State Penitentiary,
) McAlester, Oklahoma,)
)

FILED

Respondent.)

7/12/72

DENNIS LOANE,)
)
) Petitioner,)
vs.) NO. 72-C-23
)
)
) PARK J. ANDERSON, Warden,
) Oklahoma State Penitentiary,
) McAlester, Oklahoma,)
)

JOHN L. CLARK
U. S. DISTRICT COURT

Respondent.)

O R D E R

The Court has before it a pro se petition for writ of habeas corpus filed in forma pauperis by Dennis Loane, the response, and the complete files and transcripts of the State proceedings covering the three convictions under which petitioner is imprisoned in the Oklahoma State Penitentiary. In this 71-C-315, petitioner challenges as unconstitutional his conviction in the Oklahoma Tulsa County District Court, Case No. CRF-70-284, upon a plea of guilty to an unlawful sale of narcotics.

Also, under consideration is petitioner's habeas corpus petition, numbered 72-C-23, in which he challenges as unconstitutional his conviction by jury in the Oklahoma Tulsa County District Court, Case No. CRF-70-283, wherein he was charged with an unlawful sale of narcotics.

Petitioner has requested that these causes be consolidated; and, the Court finds that consolidation is proper and that the Clerk of the Court should take the necessary steps to consolidate them under the first filed cause numbered 71-C-315. The Court further finds that further response and files are unnecessary; and, that petitioner has exhausted his State remedies as required in compliance with 28 U.S.C. § 2254(b).

Petitioner alleges that his constitutional rights to due process and equal protection of the law, and not to be placed in double jeopardy have been abridged in State causes Nos. CRF-70-283 and CRF-70-284 in the following particulars:

1. That petitioner should have been charged for a single continuing crime, but was unconstitutionally prosecuted for three individual crimes. He includes another conviction by jury in State cause of action No. CRF-70-285, herein challenged by inference and not specifically.

2. That, in each of the three State actions, the former conviction used as the basis to enhance his punishment was the same 1957 Kansas grand larceny conviction; and, he contends that under the Constitution the Kansas conviction should have been used only once as a former felony conviction.

Upon carefully reading all of the instruments, pleadings, and transcripts regarding all three State convictions, and both habeas corpus petitions, consolidated herein, the Court finds:

That petitioner's plea of guilty in State cause numbered CRF-70-284 was freely, knowingly, and voluntarily made, and such knowing and voluntary plea waives all prior non-jurisdictional defects.

That the validity of recidivist statutes has been decided and they are held not to abridge the guarantees of the Constitution of the United States against double jeopardy, self-incrimination, cruel and unusual punishment, and the due process and equal protection of both the Fifth and Fourteenth Amendments. *Oyler v. Boles*, Warden, 368 U.S. 447 (1962); *Spencer v. Texas*, 385 U.S. 554 (1967); *Williams v. Page*, 289 F.Supp. 661 (E.D.Okla. 1968).

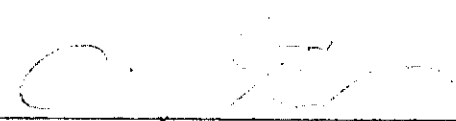
That the State Courts have determined that the three charges, for which petitioner stands convicted, sentenced, and imprisoned, are not one continuing crime, but three distinct crimes, and such conclusion is supported by the records. The decision of the United States Supreme Court in *Blockburger v. United States*, 284 U.S. 299 (1932), involving two sales of morphine prohibited under the Federal Code and contended by the accused to be a single continuing act, clearly lends support to the State Courts' determination of this issue under Oklahoma State law, i.e., the Oklahoma Statute prohibits the individual acts of selling narcotics, not the course of action which the combined sales constitute, and a separate charge for each complete illegal transaction is lawful and proper.

The Court further finds that the question of conspiracy by the State investigating officers is so unsubstantial that it does not warrant argument, or raise a claim cognizable under habeas corpus, even if such issue were properly before the Court by exhaustion of State remedies. The Court finds the issues presented herein without merit in the federal constitutional sense, and that the habeas corpus petitions in this consolidated action should be denied and dismissed.

IT IS, THEREFORE, ORDERED that petitioner's petition for writ of habeas corpus, No. 72-C-23, be and it is hereby consolidated with cause of action numbered 71-C-315, and the Clerk of the Court is directed to effect the necessary steps to consolidate them.

IT IS FURTHER ORDERED that the petitions for writ of habeas corpus of Dennis Loane be and they are hereby denied and dismissed.

Dated this 20th day of March, 1972, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DENNIS LOANE,)
)
Petitioner,)
vs.) NO. 71-C-315

PARK J. ANDERSON, Warden,
Oklahoma State Penitentiary,
McAlester, Oklahoma,

Respondent.)

FILED

MAR 21 1972

DENNIS LOANE,)

Petitioner,)

vs.)

PARK J. ANDERSON, Warden,
Oklahoma State Penitentiary,
McAlester, Oklahoma,

Respondent.)

JOHN L. CLARK
U.S. DISTRICT COURT
NO. 72-C-23

O R D E R

The Court has before it a pro se petition for writ of habeas corpus filed in forma pauperis by Dennis Loane, the response, and the complete files and transcripts of the State proceedings covering the three convictions under which petitioner is imprisoned in the Oklahoma State Penitentiary. In this 71-C-315, petitioner challenges as unconstitutional his conviction in the Oklahoma Tulsa County District Court, Case No. CRF-70-284, upon a plea of guilty to an unlawful sale of narcotics.

Also, under consideration is petitioner's habeas corpus petition, numbered 72-C-23, in which he challenges as unconstitutional his conviction by jury in the Oklahoma Tulsa County District Court, Case No. CRF-70-283, wherein he was charged with an unlawful sale of narcotics.

Petitioner has requested that these causes be consolidated; and, the Court finds that consolidation is proper and that the Clerk of the Court should take the necessary steps to consolidate them under the first filed cause numbered 71-C-315. The Court further finds that further response and files are unnecessary; and, that petitioner has exhausted his State remedies as required in compliance with 28 U.S.C. § 2254(b).

Petitioner alleges that his constitutional rights to due process and equal protection of the law, and not to be placed in double jeopardy have been abridged in State causes Nos. CRF-70-283 and CRF-70-284 in the following particulars:

1. That petitioner should have been charged for a single continuing crime, but was unconstitutionally prosecuted for three individual crimes. He includes another conviction by jury in State cause of action No. CRF-70-285, herein challenged by inference and not specifically.

2. That, in each of the three State actions, the former conviction used as the basis to enhance his punishment was the same 1957 Kansas grand larceny conviction; and, he contends that under the Constitution the Kansas conviction should have been used only once as a former felony conviction.

Upon carefully reading all of the instruments, pleadings, and transcripts regarding all three State convictions, and both habeas corpus petitions, consolidated herein, the Court finds:

That petitioner's plea of guilty in State cause numbered CRF-70-284 was freely, knowingly, and voluntarily made, and such knowing and voluntary plea waives all prior non-jurisdictional defects.

That the validity of recidivist statutes has been decided and they are held not to abridge the guarantees of the Constitution of the United States against double jeopardy, self-incrimination, cruel and unusual punishment, and the due process and equal protection of both the Fifth and Fourteenth Amendments. Oyler v. Boles, Warden, 368 U.S. 447 (1962); Spencer v. Texas, 385 U.S. 554 (1967); Williams v. Page, 289 F.Supp. 661 (E.D.Okla. 1968).

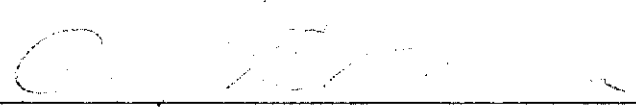
That the State Courts have determined that the three charges, for which petitioner stands convicted, sentenced, and imprisoned, are not one continuing crime, but three distinct crimes, and such conclusion is supported by the records. The decision of the United States Supreme Court in Blockburger v. United States, 284 U.S. 299 (1932), involving two sales of morphine prohibited under the Federal Code and contended by the accused to be a single continuing act, clearly lends support to the State Courts' determination of this issue under Oklahoma State law, i.e., the Oklahoma Statute prohibits the individual acts of selling narcotics, not the course of action which the combined sales constitute, and a separate charge for each complete illegal transaction is lawful and proper.

The Court further finds that the question of conspiracy by the State investigating officers is so unsubstantial that it does not warrant argument, or raise a claim cognizable under habeas corpus, even if such issue were properly before the Court by exhaustion of State remedies. The Court finds the issues presented herein without merit in the federal constitutional sense, and that the habeas corpus petitions in this consolidated action should be denied and dismissed.

IT IS, THEREFORE, ORDERED that petitioner's petition for writ of habeas corpus, No. 72-C-23, be and it is hereby consolidated with cause of action numbered 71-C-315, and the Clerk of the Court is directed to effect the necessary steps to consolidate them.

IT IS FURTHER ORDERED that the petitions for writ of habeas corpus of Dennis Loane be and they are hereby denied and dismissed.

Dated this 24th day of March, 1972, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

-v-

John F. Park, et al.,

Defendants.

CIVIL NO: 71-C-495

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 21 day of March, 1972, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, John F. Park and Beulah Park, Alford R. Garner and Bennie J. Garner, appearing not.

The Court being fully advised and having examined the file herein finds that Alford R. Garner and Bennie J. Garner were served by complaint and summons on December 8, 1971; that John F. Park, and Beulah Park were served by publication as shown by Proof of Publication filed herein.

It appearing that the said defendants have failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note and that the following described real property is located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Fourteen (14), Block Three (3), in Sharon Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

That the defendants, John F. Park and Beulah Park, did, on May 21, 1962, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$12,200 with 5½ percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, John F. Park and Beulah Park, Alford R. Garner and Bennie J. Garner, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 14 months last past, which default has continued and that by reason thereof the above named defendants are now indebted to the Plaintiff in the sum of \$10,909.02 as unpaid principal, with interest thereon at the rate of 5½ percent per annum from September 21, 1970, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against defendants, John F. Park and Beulah Park, Alford R. Garner and Bennie J. Garner, for the sum of \$10,909.02 with interest thereon at the rate of 5½ percent per annum from September 21, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the said real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

/s/ William E. Brown
United States District Judge

Approved.

/s/ Robert P. Santee
Robert P. Santee
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,) 71-6-
) CIVIL NO: 406
-v-)
)
Arthur L. Driscoll, et al.,)
)
)
)
Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day
of March, 1972, the Plaintiff appearing by Robert P. Santee, Assistant
United States Attorney, and the defendants, Arthur L. Driscoll aka
Arthur Lee Driscoll, Donna K. Driscoll, Fred Bee Underwood, and
Carole A. Underwood, appearing not.

The Court being fully advised and having examined the
file herein finds that the above named defendants were served
by publication as shown by Proof of Publication filed herein.

It appearing that the said defendants have failed to
answer herein and that default has been entered by the Clerk
of this Court.

The Court further finds that this is a suit based upon
a mortgage note and foreclosure on a real property mortgage
securing said mortgage note and that the following described
real property is located in Tulsa County, Oklahoma, within the
Northern Judicial District of Oklahoma:

Lot Thirty-three (33), Block Seven (7) in
Meadowood, an addition to the City of Tulsa,
Tulsa County, State of Oklahoma, according to
the recorded plat thereof,

That the defendants, Arthur L. Driscoll aka Arthur
Lee Driscoll and Donna K. Driscoll, did, on July 30, 1970, execute
and deliver to Administrator of Veterans Affairs, their mortgage
and mortgage note in the sum of \$12,250 with ^{8½} percent interest

per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Arthur L. Driscoll aka Arthur Lee Driscoll and Donna K. Driscoll, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 11 months last past, which default has continued and that by reason thereof the above named defendants are now indebted to the Plaintiff in the sum of \$11,959.98 as unpaid principal, with interest thereon at the rate of 8½ percent per annum from January 30, 1971, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against defendants, Arthur L. Driscoll aka Arthur Lee Driscoll and Donna K. Driscoll, for the sum of \$11,959.98 with interest thereon at the rate of 8½ percent per annum from January 30, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the said real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and **after** the sale of said property, under and by virtue of this **judgment** and decree, all of the defendants and each of them **and** all persons claiming under them since the filing of the **Complaint** herein be and they are forever barred and foreclosed of any **right**, title, interest or claim in or to the real property or any **part** thereof.

18. Sutherlin
UNITED STATES DISTRICT JUDGE

APPROVED.

19. Robert P. Santee
ROBERT P. SANTEE
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE)	
INDUSTRY BENEFIT FUND,)	
Plaintiff,)	
)	
vs.	)	No. 72-C-65
)	
CEECO CONSTRUCTION CO.,)	
a corporation,)	
Defendant.)	

ORDER OF DISMISSAL

Now on this 21 day of March, 1972, Plaintiff's Motion for Dismissal coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debts and liabilities between the parties have been paid, settled and compromised,

IT IS THE ORDER OF THIS COURT that said action be and the same is hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.

Allen E. Barrow
Allen E. Barrow, District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
	)	CIVIL NO: 71-C-278
-v-)	
)	
Freddie Wayne Martin, et al.,)	
)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 31 day of March, 1972, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, appearing not.

The Court being fully advised and having examined the file herein finds that Aetna Finance Company; Jones Plumbing, Heating and Air Conditioning Company; Za Ann Cozette Martin and Freddie Wayne Martin were served with Complaint and Summons on July 29, 1971; that Billy Wayne Clayton and Lela M. Clayton were served by publication as shown by Proof of Publication filed herein.

It appearing that the said defendants have failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note and that the following described real property is located in Washington County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Nine (9), Block Eight (8), South Sunset
Addition to Bartlesville, Washington County,
Oklahoma.

That the defendants, Freddie Wayne Martin and Za Ann Cozette Martin, did, on June 27, 1968, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,250 with 7 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Freddie Wayne Martin and Za Ann Cozette Martin, Billy Wayne Clayton and Lela M. Clayton, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 11 months last past, which default has continued and that by reason thereof the above named defendants are now indebted to the Plaintiff in the sum of \$9,124.59 as unpaid principal, with interest thereon at the rate of 7 percent per annum from August 27, 1970, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against defendants, Freddie Wayne Martin and Za Ann Cozette Martin, Billy Wayne Clayton and Lela M. Clayton, for the sum of \$9,124.59 with interest thereon at the rate of 7 percent per annum from August 27, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the said real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this

judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the Complaint herein ~~be~~ and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

Approved.


Robert P. Santee
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,) CIVIL NO: 71-C-411
-v-)
)
 Robert Glenn Quick, et al.,)
)
)
 Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day
of March, 1972, the Plaintiff appearing by Robert P. Santee, Assistant
United States Attorney, and the defendants, Robert Glenn Quick
and Joyce M. Quick, appearing not.

The Court being fully advised and having examined the
file herein finds that above named defendants were served by
publication as shown by Proof of Publication filed herein.

It appearing that the said defendants have failed to
answer herein and that default has been entered by the Clerk
of this Court.

The Court further finds that this is a suit based upon
a mortgage note and foreclosure on a real property mortgage securing
said mortgage note and that the following described real property
is located in Delaware County, Oklahoma, within the Northern
Judicial District of Oklahoma:

The W $\frac{1}{2}$ NW $\frac{1}{4}$ less a tract of land 70 yards
square in the Northwest Corner of the NW $\frac{1}{4}$ of
Section 20, Township 23 North, Range 25 East,
Delaware County, Oklahoma.

That the defendants, Robert Glenn Quick and Joyce M.
Quick, did, on May 15, 1970, execute and deliver to Administrator
Veterans Affairs, their mortgage and mortgage note in the sum
of \$13,500 with 8 $\frac{1}{2}$ percent interest per annum, and further providing
for the payment of monthly installments of principal and interest;
and

The Court further finds that the defendants, Robert Glenn Quick and Joyce M. Quick, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 11 months last past, which default has continued and that by reason thereof the above named defendants are now indebted to the Plaintiff in the sum of \$13,406.93 as unpaid principal, with interest thereon at the rate of 8½ percent per annum from January 15, 1971, until paid, plus the cost of this action accrued and accruing.


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against defendants, Robert Glenn Quick and Joyce M. Quick, for the sum of \$13,406.93 with interest thereon at the rate of 8½ percent per annum from January 15, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the said real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

Approved.


Robert P. Santee
Assistant United States Attorney 2

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
	)	71-C-
Plaintiff,)	
-v-	)	CIVIL NO: 326
)	
Jack B. Staley, a single man,)	
)	
Defendant.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10 day
of March, 1972, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendant, Jack
B. Staley, appearing not.

The Court being fully advised and having examined the
file herein finds that Jack B. Staley was served by publication
as shown by Proof of Publication filed herein.

It appearing that the said defendant has failed
to answer herein and that default has been entered by the Clerk
of this Court.

The Court further finds that this is a suit based upon
a mortgage note and foreclosure on a real property mortgage
securing said mortgage note and that the following described
real property is located in Mannford County, Oklahoma, within
the Northern Judicial District of Oklahoma:

Lot Nineteen (19), Block One (1), Mannford
Meadows, an addition to the town of Mannford
Creek County, State of Oklahoma, according to
the recorded plat thereof.

That the defendants, Jack B. Staley, did, on
September 15, 1970, execute and deliver to Lomas & Nettleton
Company, his mortgage and mortgage note in the sum of
\$14,700^{8½} with/percent interest per annum, and further providing
for the payment of monthly installments of principal and interest;
and

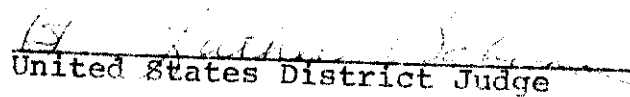
That by instrument dated October 29, 1970, Lomas & Nettleton West assigned said mortgage to Federal National Mortgage Association; and by instrument dated January 13, 1971, Federal National Mortgage Association, assigned said mortgage to the Secretary of Housing and Urban Development, Washington D. C., his successors and assigns.

The Court further finds that the defendant, Jack B. Staley, made default under the terms of the aforesaid mortgage note by reason of his failure to make monthly installments due thereon for more than 11 months last past, which default has continued and that by reason thereof the above named defendant is now indebted to the Plaintiff in the sum of \$15,640.44 as unpaid principal, with interest thereon at the rate of 8½ percent per annum ^{September 1, 1971} from/, until paid, plus the cost of this action accrued and accruing.

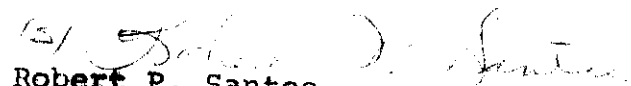
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against defendant, Jack B. Staley, for the sum of \$15,640.44 with interest thereon at the rate of 8½ percent per annum from September 1, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendant to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the said real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the defendant and any persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

APPROVED.


Robert P. Santee
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DELBERT C. REIBERT, individually and on
behalf of employees of the previously
existing Sinclair Oil Corporation, the
employees of Atlantic Richfield Company
and employment agencies who provided
temporary help for each corporation,

Plaintiff,

vs.

ATLANTIC RICHFIELD COMPANY and
SINCLAIR OIL CORPORATION,

Defendants.

Civil Action
No. 69-233

FILED
MAR 20 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT

This action came on for hearing before the Court, Honorable
Allen E. Barrow, Chief District Judge, presiding, and the Motion
for Summary Judgment by the plaintiff having been denied, and the
Motion for Summary Judgment by the defendants having been sus-
tained and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED

That the plaintiff take nothing on his complaint, that this
action is dismissed on the merits and that the defendants,
Atlantic Richfield Company and Sinclair Oil Corporation, recover
of the plaintiff, Delbert C. Reibert, their costs of action.

Dated at Tulsa, Oklahoma this 20 day of ^{March} ~~December~~, 1972

Allen E. Barrow
United States District Judge

FORM APPROVED:

Stanley Boyl
For the Plaintiff

W. E. Hammer
For the Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEL JEANNENE JOBE, individually and on
behalf of employees of the previously
existing Amerada Petroleum Corporation,
the employees of the previously existing
Hess Oil and Chemical Corporation, and
the employees and previous employees of
Amerada Hess Corporation,

Plaintiffs,

vs.

AMERADA PETROLEUM CORPORATION, HESS OIL
AND CHEMICAL CORPORATION, AND AMERADA
HESS CORPORATION,

Defendants.

FILED
MAR 20 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

No. 70-C-57

JUDGMENT

This action came on for hearing before the Court, Honorable Allen E. Barrow, Chief District Judge, presiding, and the Motion For Summary Judgment made by the defendants having been sustained, and plaintiffs' Cross Motion For Partial Summary Judgment denied, and due entry thereof having been made,

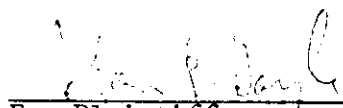
IT IS ORDERED AND ADJUDGED

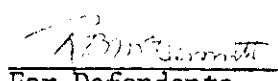
That the plaintiffs and each of them take nothing upon their Complaint, that this action is dismissed upon the merits, and that the defendants have and recover of and from the plaintiffs, their costs of action.

Dated at Tulsa, Oklahoma, this 20 ^{March} day of ~~January~~, 1972.


United States District Judge

FORM APPROVED:


For Plaintiffs


For Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 20 1972

JOHN H. FUE, Clerk
U. S. DISTRICT COURT

DEL JEANNENE JOBE, individually and on
behalf of employees of the previously
existing Amerada Petroleum Corporation,
the employees of the previously existing
Hess Oil and Chemical Corporation, and
the employees and previous employees of
Amerada Hess Corporation,

Plaintiffs,

vs.

No. 70-C-57

AMERADA PETROLEUM CORPORATION, HESS OIL
AND CHEMICAL CORPORATION, and AMERADA
HESS CORPORATION,

Defendants.

FINDINGS
AND
RECOMMENDATIONS OF MAGISTRATE

This matter comes on for hearing on this 11th day of January, 1972, before the undersigned Magistrate, upon motion of the defendants for summary judgment, and for stays of further discovery in the cause. Upon stipulation of counsel the cause was submitted upon briefs previously filed and identified in the memorandum attached to the defendants' motion.

Upon the defendants' motion for summary judgment, the Magistrate finds upon undisputed facts reflected by the pleadings, discovery depositions, and other discovery documents filed in the action:

(1) Each of the appearing plaintiffs, Del Jeannene Jobe, Robert R. McDole and Roy E. Michael, was a salaried employee of the defendant Amerada Petroleum Corporation, who continued briefly in the employ of Amerada Hess Corporation under contract of employment which was terminable at the will of either employer or employee.

(2) Plaintiffs had no other interest or concern in the business of Amerada Petroleum Corporation or

of Amerada Hess Corporation than their respective employment for personal services terminable as above found.

(3) Each plaintiff's employment was unrelated to any of the business operations of his employer alleged in the Complaint to have been restrained by any violation of the anti-trust laws.

(4) None of the appearing plaintiffs was employed in any activity upon behalf of the defendants or either of them which was within the target area of any restraint alleged in the Complaint.

(5) None of the plaintiffs was injured in business or property by anything forbidden by the anti-trust laws.

(6) Each appearing plaintiff's injury, if any, was indirect, incidental, derivative and remote with respect to any violation of the anti-trust laws, and therefore is not actionable under Section 4 of the Clayton Act (15 U.S.C. 15).

(7) In view of the preceding findings, defendants' motion for summary judgment should be sustained upon the authority of *Nationwide Auto Appraiser Service, Inc. v. Association of Casualty and Surety Cos.*, 382 F.2d 925 (10th Cir. 1967); *Conference of Studio Unions v. Loew's, Inc.*, 193 F.2d 51 (CA-9) cert. den. 342 U.S. 919 (1952); *Billy Baxter, Inc. v. Coca Cola Co.*, 431 F.2d 183 (CA-2) 1970) cert. den. 401 U. S. 923 (1971); *Mans v. Sunray DX Oil Co.*, No. 70-C-140, USDC-DC-Okla. (May 20, 1971); *Contreras v. Grower Shipper Vegetable Assn.*, 1971 Trade Cases, paragraph 73,592 (ND-Calif. 1971); *Bywater, et al v. Matsushita Elec. Ind. Co., Ltd., et al*, 1971 Trade Cases, paragraph 73,759, and other cases cited in defendants' briefs.

(8) In view of the finding that the appearing plaintiffs have no standing to sue upon the claims asserted, they have no capacity to represent others who might or might not have claims in the pleaded premises.

In view of the findings and recommendations hereinbefore set forth upon defendants' motion for summary judgment, further discovery and all pending discovery should be stayed pending the other and further order of the court.

The request of the plaintiffs for pre-trial conference in the presence of the court should be overruled.

In view of the findings and recommendations upon the defendants' motion for summary judgment, the plaintiffs' request for determination of a class action should be overruled, and certification of a class should be denied.

IT IS, THEREFORE, RECOMMENDED BY THE MAGISTRATE THAT:

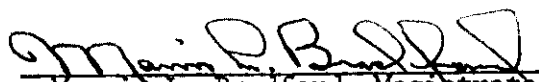
1. The defendants' motion for summary judgment should be sustained, the plaintiffs' cross motion for partial summary judgment should be denied, and judgment of dismissal upon the merits should enter for the defendants.

2. All further and pending discovery in the action should be stayed pending the further order of the court.

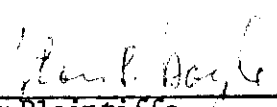
3. Plaintiffs' request for pre-trial conference in the presence of the court should be denied.

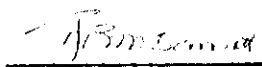
4. Plaintiffs' motion for determination of a class should be overruled, and certification of a class should be denied.

FILED AND ENTERED this 11th day of January, 1972.


Morris L. Bradford, Magistrate

FORM APPROVED:


For Plaintiffs


For Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LILLIE CHUBE, KENNETH HARRIS,
VIRGINIA HENDERSON, SHARON LUCKEY,
MARTHA MOORE, GWENDOLYN RUSSEL,
VIOLA RUSSEL, on behalf of themselves
and all other similarly situated,

Plaintiffs,

v.

THE HOUSING AUTHORITY OF THE CITY OF
TULSA, TOM HARES, Director, HOUSING
AUTHORITY OF THE CITY OF TULSA,

Defendants.

Case No. 71-C-97 Civil

FILED

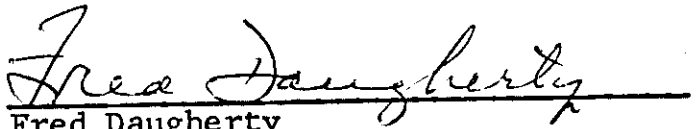
MAR 20 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

Upon consideration of the Suggestion of Mootness filed herein
by all parties to the above action,

IT IS ORDERED this 20 day of March, 1972 that this action
is dismissed without prejudice.


Fred Daugherty
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CAL POOL, d/b/a Aluminum
Window Products,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL NO. 71-C-282

FILED

MAR 20 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

STIPULATION

OF DISMISSAL

It is hereby stipulated and agreed that the above-entitled
action be dismissed with prejudice, each party to bear its own
costs.

Rucker & Tabor

By

Paul R. Hodgson

Paul R. Hodgson

ATTORNEYS FOR PLAINTIFF

NATHAN G. GRAHAM

United States Attorney

By

Ass't. U.S. Atty.

ATTORNEY FOR DEFENDANT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CAL POOL and BOB POOL,
Plaintiffs,

v.

CIVIL NO. 71-C-283

UNITED STATES OF AMERICA,
Defendant.

FILED

MAR 20 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

STIPULATION
OF DISMISSAL

It is hereby stipulated and agreed that the above-entitled action be dismissed with prejudice, each party to bear its own costs.

Rucker & Tabor

By

FRIDMAN

Paul R. Hodgson

Paul R. Hodgson

ATTORNEYS FOR PLAINTIFFS

NATHAN G. GRAHAM
United States Attorney

N. G. Graham

By

ASS'T U.S. ATT.

ATTORNEY FOR DEFENDANT.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ALPHA VETERINARY SUPPLY, INC.,)
an Oklahoma corporation,)
)
Plaintiff,)
vs.)
)
AMERICAN HOESCHT CORPORATION, a)
Delaware Corporation, and EVSCO)
PHARMACEUTICAL CORP., a New York)
Corporation,)
)
Defendants.)

No. 71-C-96

FILED

MAR 16 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER SUSTAINING MOTION OF
DEFENDANT EVSCO PHARMACEUTICAL CORP.

This cause came on for consideration by the Court on the 13th day of March, 1972, upon the renewed motion of defendant Evsco Pharmaceutical Corp. to quash service of summons and to dismiss this action as to it for want of jurisdiction.

On September 9, 1971, the Court overruled this defendant's Motion to dismiss for lack of jurisdiction but granted the defendant the right to renew its motion at a later date after further discovery.

Further discovery has been had, and based upon the facts found by such discovery, this defendant renewed its said Motion, and

The Court having carefully considered the entire file in this cause, together with the Motions and the briefs in support of and in opposition thereto, is of the opinion and finds that the defendant, Evsco Pharmaceutical Corp., a citizen of the State of New York and with its principal place of business in New York, is not, and has not done business, nor performed any acts within the State of Oklahoma so as to subject it to the courts of this state by virtue of title 12 O.S.A. §187; nor has said defendant transacted any business, nor did the alleged claim arise within the Northern District of Oklahoma.

IT IS, THEREFORE, ORDERED that service of summons upon the defendant Evsco Pharmaceutical Corp., should be, and the same is hereby quashed, and

IT IS FURTHER ORDERED that this cause be, and the same is hereby dismissed as to said defendant.

Dated this 14th day of March, 1972.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LOCAL LODGE NO. 790 of the
INTERNATIONAL ASSOCIATION OF
MACHINISTS and AEROSPACE
WORKERS, AFL-CIO,

Plaintiff,

vs.

CHAMPION CARRIERS, INC.,

Defendant.

No. 71-C-361

FILED

MAR 16 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

This cause came on for consideration by the Court at Tulsa, Oklahoma, on February 13, 1972, for trial and disposition. The parties appeared by their respective counsel, and the Court heard argument.

It was stipulated and agreed to by the parties that the facts set forth in the Pretrial Order filed on January 24, 1972, should be considered as a stipulation of facts and considered by the Court as such, and it was further stipulated that no further evidence would be offered and the case was submitted to the Court for decision on such stipulation, pleadings and briefs of the parties, and having carefully studied the file in this case, including among other things, the pleadings, the stipulation and the briefs, it is

THE JUDGMENT OF THE COURT that the defendant, Champion Carriers, Inc., has complied with the arbitrator's award and has paid to the employee, Tully V. Johnson, the full back pay for the period of time from December 10, 1970, until the date of the award.

IT IS THE FURTHER JUDGMENT OF THE COURT that the defendant in computing the amount of back pay due the plaintiff in accordance with the arbitrator's award properly deducted from the award the sum of \$520.00 received by the plaintiff as unemployment compensation from the Oklahoma Employment Security Commission, and that such deduction was proper.

IT IS THE FURTHER JUDGMENT OF THE COURT that the employee, Tully V. Johnson, has been made whole, and this is all he is entitled to for breach of his employment contract by the defendant, and to permit him to recover the additional \$520.00 would, in effect, amount to a penalty.

Plaintiff's prayer for judgment should be, and the same is hereby denied.

Dated this 14th day of March, 1972.

Arthur Balaban
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

KATHRYNE SLANKER,

Plaintiff,)

vs.)

ELLIOTT RICHARDSON, Secretary of
Health, Education, and Welfare,

Defendant.)

CIVIL ACTION NO. 71-C-247

FILED

MAR 15 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

This matter came on for consideration before the Court and the
issues having been duly considered and a decision having been duly rendered,

IT IS ORDERED, ADJUDGED, AND DECREED that the Motion for Summary
Judgment of the Defendant is granted.

Dated this 3 day of March, 1972.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LOYD W. WATTS,)	
	)	71-C-330
Plaintiff,)	
vs.	)	71-C-331
)	
SAFEWAY STORES, INCORPORATED,	)	(No. 71-C-331 consolidated into
a foreign corporation, and	)	lower numbered case No. 71-C-330)
D. L. BUSEY,)	
)	
Defendants.)	

FILED
MAR 13 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

After reviewing the file and record in this cause, the recommendations of the Magistrate are hereby approved, and

IT IS, THEREFORE, ORDERED that the motion to dismiss of the defendant, D. L. Busey, is hereby sustained, the motion to remand of the plaintiff is overruled and the motion to consolidate the above styled case No. 71-C-331 into the lower numbered case of No. 71-C-330 is hereby sustained.

Dated this 8th day of March, 1972.

Victor H. Johnson
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
50.00 ACRES OF LAND, MORE OR)
LESS, SITUATE IN NOWATA COUNTY,)
STATE OF OKLAHOMA, AND CECIL G.)
BATEMAN, ET AL., AND UNKNOWN)
OWNERS,)
)
Defendants.)

CIVIL ACTION NO. 70-C-284 ✓

Tract No. 1023M

FILED

MAR 13 1972 ✓

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 13th day of March, 1972, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1023M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described above

in paragraph 2. Pursuant thereto, on September 15, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$200.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of September 15, 1970.

6.

On the date of taking in this action, the defendant, Cecil G. Bateman, was the owner of the estate taken in subject tract. He is the only person asserting any interest in the estate taken in such tract. All other persons having either disclaimed or defaulted; therefore, the defendant, Cecil G. Bateman, is entitled to receive the just compensation awarded by this judgment.

7.

Cecil G. Bateman, the owner of the subject property joined by his wife, Mary Lorene Bateman, and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is \$1,000.00, without interest, and such Stipulation should be approved.

8.

This judgment will create an \$800.00 deficiency between the amount deposited as estimated compensation for the subject property and the amount fixed by the Stipulation As To Just Compensation; and such \$800.00 deficiency should be deposited for the benefit of the owner.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the

United States of America as of September 15, 1970; which was the date of taking thereof, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking, the defendant, Cecil G. Bateman, was the owner of the estate condemned herein in the subject tract; therefore, the right to receive the just compensation for the estate taken herein in this tract is vested in him.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Stipulation As To Just Compensation, described in paragraph 7 above, hereby is confirmed; and the \$1,000.00 without interest therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

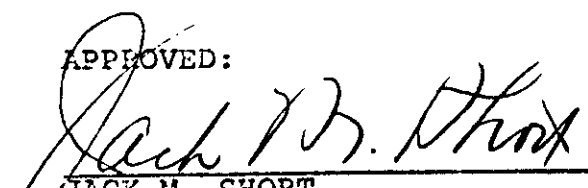
TRACT NO. 1023M

Owner: Cecil G. Bateman

Award of just compensation pursuant to Stipulation - - - - -	\$1,000.00	\$1,000.00
Deposited as estimated compensation - - - - -	200.00	
Disbursed to owner - - - - -		None
Balance due to owner - - - - -		\$1,000.00
Deposit deficiency - - - - -	\$ 800.00	

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of subject tract, the deficiency sum of \$800.00, and immediately following such deposit, the Clerk of this Court shall disburse \$1,000.00 from the deposit for the subject tract to the defendant, Cecil G. Bateman.

APPROVED:

JACK M. SHORT
Assistant U. S. Attorney


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SAVOY INDUSTRIES, INC.,
a Delaware corporation,

Plaintiff,

vs.

MORRIS SITRIN; MORRIS SITRIN,
INC., an Oklahoma corporation;
and SITRIN PETROLEUM CORPORATION,
a Delaware corporation,

Defendants.

No. 69-C-181 Civil

FILED

MAR 13 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

Pursuant to Stipulation filed herein by all parties, it
is hereby ORDERED that the captioned cause and case be and
the same is hereby dismissed with prejudice to the right of
the plaintiff to refile the same.

DATED this 10 day of March, 1972.

Fred M. Daugherty
Fred M. Daugherty
District Judge

U. S. District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LOYD W. WATTS,)	
	)	71-C-330
Plaintiff,)	
vs.	)	71-C-331 ✓
)	
SAFEWAY STORES, INCORPORATED,	)	(No. 71-C-331 consolidated into
a foreign corporation, and	)	lower numbered case No. 71-C-330)
D. L. BUSEY,)	
)	
Defendants.)	

FILED
MAR 13 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

After reviewing the file and record in this cause, the recommendations of the Magistrate are hereby approved, and

IT IS, THEREFORE, ORDERED that the motion to dismiss of the defendant, D. L. Busey, is hereby sustained, the motion to remand of the plaintiff is overruled and the motion to consolidate the above styled case No. 71-C-331 into the lower numbered case of No. 71-C-330 is hereby sustained.

Dated this 8th day of March, 1972.

Arthur Bohannon
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROY LEE PYLES,

Petitioner,

vs.

PARK J. ANDERSON, Warden,
Oklahoma State Penitentiary,
McAlester, Oklahoma,

Respondent.

)
)
)
) NO. 71-C-409
FILED
) MAR 9 1972
)
)
)
U. S. DISTRICT COURT

O R D E R

The Court has for consideration the pro se petition for writ of habeas corpus of Roy Lee Pyles, an inmate at the Oklahoma State Penitentiary. He contends that his rights guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution were abridged in the State proceedings in that (1) prejudicial statements of the arresting officer were permitted into evidence during his trial; (2) the trial Court incorrectly and prejudicially instructed the jury on "flight"; and (3) the trial Court instructed the jury as to good time credits prior to a determination of guilt of the former convictions.

It appears that petitioner has exhausted his State remedies as required in compliance with 28 U.S.C. § 2254(b), except, the third issue as it is presented to this Court, was not presented in the same context to the State Court; and, as a matter of comity such issue is not properly before this Court until the State has had an opportunity to rule and the State remedies exhausted. However, the issue is so totally without merit that further litigation thereon would be a disservice to the petitioner, State and Federal Courts, as this Court finds that petitioner's guilt of the former convictions was conclusively established by stipulation of the parties leaving no factual determination on the issue for the jury.

This Court has carefully read the petition, response, complete file, and transcripts of the jury trial and hearing on the motion for new trial, and finds that there is sufficient evidence to determine the merits of this petition and an evidentiary hearing is not required. The Court finds that petitioner's contentions are without merit and the petition should be denied and the cause of action dismissed for failure to present a claim for relief rising to federal constitutional grounds.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Roy Lee Pyles be and it is hereby denied and the cause of action dismissed.

Dated this 9th day of March, 1972, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

JOHN H. POE
CLERK

March 9, 1972

Mr. Roy Lee Pyles
No. 79631
P. O. Box 97
McAlester, Oklahoma 74501

Honorable H. L. McConnell
Assistant Attorney General
State Capitol Building
Oklahoma City, Oklahoma 73105

Re: No. 71-C-409

Gentlemen:

Attached for each of you is a copy of the order
filed this date denying petitioner's writ of habeas
corpus and dismissing case.

Yours very truly,

JOHN H. POE, CLERK

rfm/attachs.

Deputy

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MARTHA J. MACHENS,

Plaintiff,

vs.

JOHN E. WOLFE and BULL
CREEK SOD FARMS, INC.,
an Oklahoma corporation,

Defendants.

FILED
Case No. 72-6-21

MAR 9 1972

JOHN H. BOHANON
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW on this 8th day of March, 1972, a Stipulation for Dismissal having been signed by all parties who have appeared in this action pursuant to Rule 41 of the Federal Rules of Civil Procedure and said Stipulation having been filed of record in the above entitled cause,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the above styled matter presently pending against all Defendants be, and it is hereby, dismissed with prejudice to further cause. Each of the parties hereto to bear the respective costs incurred herein including attorneys fees.

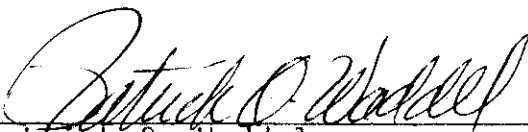
LUTHER BOHANON

Luther Bohanon
United States Federal District Judge

APPROVED AS TO FORM:

SNEED AND WADDEL

BY


Patrick O. Waddel
Attorney for Plaintiff

BOYD & PARKS

BY

John L. Boyd
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROBERT ELLIOT SHEFFIELD)
)
V.)
)
PARK J. ANDERSON, Acting Warden)

72-C-46

FILED
MAR 9 - 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER TO DISMISS

The court, having examined the Petition for Writ of Habeas Corpus presented to the clerk of this court by the above-named petitioner, together with the Motion for Leave to Proceed in Forma Pauperis and the required affidavit, finds that the petitioner has not exhausted the remedies available to him in the State of Oklahoma. He states in ¶14 of his petition that none of the grounds for relief alleged have been previously presented to any other court, state or federal, in any petition, motion, or application which he has filed. In essence, the exhaustion doctrine requires a state prisoner to afford state courts the opportunity to consider and resolve claims of constitutional infirmity before raising these claims in federal court. See Watson v. Patterson, 358 F.2d 297 (CA 10 1966), cert. denied 385 U.S. 876. Petitioner has the right under the Oklahoma Post-Conviction Procedure Act, 22 O.S.A. § 1080 et seq., to raise the questions presented in the courts of the State of Oklahoma. This precludes the petitioner from federal habeas corpus relief at this time. 28 U.S.C.A. § 2254(b). (See also Brown v. Crouse, 395 F.2d 755 (CA 10 1968), and Omo v. Crouse, 395 F.2d 757 (CA 10 1968).

IT IS THEREFORE ORDERED:

1. This case is dismissed;
2. That a copy of this order be mailed by the clerk of this court to the petitioner;
3. That a copy of this order be mailed by the clerk to the respondent by mailing the same to the Attorney General

of the State of Oklahoma.

Dated this 8th day of March, 1972.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

INTERNATIONAL LIFE INSURANCE COMPANY,)
A Kentucky corporation,)

Plaintiff,)

vs.)

No. 70-C-21 ✓

RAY B. WOOLDRIDGE, an individual,)

Defendant,)

FILED *JS*

MAR 8 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

After reviewing the file and record in this cause, I
approve the recommendation of the Magistrate.

IT IS THEREFORE ORDERED that the motion of plaintiff,
International Life Insurance Company, for summary judgment be
and the same is hereby sustained.

IT IS FURTHER ORDERED that the plaintiff have and recover
of the defendant, Ray B. Wooldridge, judgment in the sum of
\$40,151.50 with interest at ten (10%) percent per annum from
the date hereof until said sum is paid.

The Clerk of the Court shall forward by mail a copy of
this Order to each of the attorneys for the above named plaintiff
and defendant.

Dated this 7th day of February, 1972.

Cecilia E. Benson
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT OF THE
NORTHERN DISTRICT OF OKLAHOMA

JANICE HARRIS and
JUNE FARMENTER,

Plaintiffs,

vs.

LENORA POLLOCK, Individually and
as Co-Executrix of the Estate of
Lee Pollock, The First National
Bank and Trust Company, and the
National Bank of McAlester,
banking corporations,

Defendants.

No. 71-C-65

FILED *JS*
MAR 8 1972

JOHN H. FOLGER
U. S. DISTRICT COURT

ORDER OF DISMISSAL

On this 7th day of January, 1972, the findings and recommendation of the United States Magistrate in the above matter were presented to the Court. The Court reviewed the findings and recommendation of the United States Magistrate as well as the court file, including the transcript and legal authorities presented by the parties, and concludes the recommendation of the Magistrate should be approved.

IT IS, THEREFORE, ORDERED the motion to dismiss of the defendants is sustained because the District Court of Craig County, State of Oklahoma, previously acquired jurisdiction of the parties and the subject matter herein and this Court should yield to the State court having first acquired jurisdiction.


UNITED STATES DISTRICT JUDGE

37

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNIT RIG & EQUIPMENT CO.,
Plaintiff,

vs.

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
LOCAL LODGE 790,

Defendant.

CASE NO. 71-C-64

FILED

MAR 8 - 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

After reviewing the file and record in this cause, I hereby approve the recommendations of the Magistrate.

IT IS ORDERED THAT the Motion for Summary Judgment of the International Association of Machinists and Aerospace Workers, Local Lodge 790, Defendant herein, be, and the same is hereby granted.

IT IS FURTHER ORDERED that the Motion for Summary Judgment of Unit Rig & Equipment Co., Plaintiff herein, be, and the same is hereby denied.

IT IS FURTHER ORDERED that judgment be entered herein in favor of the Defendant on the basis of its Counterclaim and that the Arbitration Award which constitutes the subject matter of this action be, and the same is hereby enforced in its entirety and Plaintiff is hereby ordered to comply fully with the provisions thereof.

DATED this _____ day of _____, 1972.

United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JOHN GOREE,

Plaintiff,

vs.

NO. 70-C-394 ✓

FOSTER PETROLEUM
CORPORATION,

Defendant.

FILED

MAR 7 - 1972 *mm*

JOHN H. PUE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon plaintiff's Application and for good cause shown, this
cause is hereby dismissed with prejudice.

3/6/72

Luther Bohannon
UNITED STATES DISTRICT JUDGE

APPROVED:

[Signature]

Attorney for Plaintiff

[Signature]

Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

40.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and James A. Arnold,
et al., and Unknown Owners,

Defendants.)

CIVIL ACTION NO. 70-C-299

Tracts Nos. 1201M
1203M
1204M

FILED

MAR 7 - 1972

JOHN H. FUE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

On October 13, 1971, this cause came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The Defendants, James A. Arnold and Glenn H. Chappell, Trustees of the Estate of H. W. Reed, deceased; and the Defendant Julian W. Glass, Jr., Trustee for Eva Payne Glass, Ernest Frances Bradfield, and Julian W. Glass, Jr., appeared by their attorney, William E. Maddux. No other defendants appeared either in person or by attorney. After being advised by counsel and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estate condemned in Tracts Nos. 1201M, 1203M, and 1204M, as such tracts and estate are described in the Complaint filed in this action.

3.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in the subject tract.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract. Pursuant thereto, on September 25, 1970,

the United States of America filed its Declaration of Taking of a certain estate in such described tracts, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed, as shown below in paragraph 10.

6.

At the pretrial conference the Defendants who were present offered evidence to the effect that just compensation for the estate taken in the subject tracts should be in the total amount of \$400.00. The Plaintiff declined to offer any evidence to the contrary and agreed that such sum would be just compensation for the property taken. Therefore, the sum of \$400.00 should be adopted by the Court as just compensation in this case.

7.

The Defendants named below in paragraph 10 as owners are the only Defendants asserting any interest in the estate condemned in the subject tracts. All other Defendants having either disclaimed or defaulted, the named Defendants were the owners of such estate, as of the date of taking, and as such, are entitled to receive the just compensation awarded by this judgment.

8.

This judgment will create a deficiency between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for the taking of subject property, and a sum of money sufficient to cover such deficiency should be deposited by the Government. Such deficiency is set out below in paragraph 10.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts described in paragraph 2 herein, and such tracts, to the extent of the estate described in the Complaint filed herein, are condemned and title thereto is vested in the United States of America as of the date of filing the Declaration

of Taking, and all Defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned in the subject tracts were the defendants whose names appear in the schedule below; the right to receive just compensation for the estate taken in such tracts is vested in the parties so named; and the sum of \$400.00 hereby is adopted as the award of just compensation for the estate taken in subject tracts all as follows, to-wit:

TRACTS NOS. 1201M, 1203M, and 1204M

Owners:

James A. Arnold and Glenn H. Chappell, Trustees of Estate of H. W. Reed, deceased	1/2
Julian W. Glass, Jr., Trustee for: Eva Payne Glass) Ernest Frances Bradfield) Julian W. Glass, Jr.)	1/8
Mary Harrington Hart	1/12
Esther Harrington Putnam	1/12
William Kettering Harrington.	1/12
M. L. Hagan	1/32
Orie Price and Hazel Price	1/32
George B. Dowell, Administrator of the Estate of B. G. Dowell, deceased.	2/32
Award of just compensation, pursuant to Court's findings	\$400.00 \$400.00
Deposited as estimated compensation	160.00
Disbursed to owners	none
Balance due to owners	<u>\$400.00</u>
Deposit deficiency	<u>\$240.00</u>

11.

It Is Further ORDERED that the United States of America shall deposit in the Registry of this Court in this Civil Action, the deficiency sum of \$240.00.

The Clerk of this Court then shall disburse from the deposit for the subject tracts the balance due to the owners as follows:

James A. Arnold and Glenn H. Chappell, Trustees of Estate of H. W. Reed, deceased	\$200.00
Julian W. Glass, Jr., Trustee for:) Eva Payne Glass) Ernest Frances Bradfield) Julian W. Glass, Jr.)	50.00
Mary Harrington Hart	33.33
Esther Harrington Putnam	33.33
William Kettering Harrington	33.34
M. L. Hagan	12.50
Orie Price and Hazel Price	12.50
George B. Dowell, Administrator of the Estate of B. G. Dowell, deceased	25.00

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

46.25 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and L. D. Eastep, et al.,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 71-C-313

Tract No. 304M

FILED

MAY 8 1972

JOHN H. POL, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 3rd day of March, 1972, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 304M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of Process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the property described in such Complaint. Pursuant thereto, on

August 26, 1971, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract, a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 14.

7.

On the date of taking in this action, the owners of the estate taken in subject tract were the defendants whose names are shown below in paragraph 14. Such named defendants are the only persons asserting any interest in the estate taken in such tract. All other persons having either disclaimed or defaulted, such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

On October 29, 1971, the owners of the subject tract and the United States of America have executed and filed herein a stipulation whereby they have agreed that the estate taken in this case expressly excludes all coal in the subject tract and all rights for exploration, development, production and removal of such coal. Such stipulation should be approved by the Court.

9.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 14 below, and such stipulation should be approved.

10.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 14.

2.

11.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 304M, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, but as limited by paragraph 12 herein, is condemned and title thereto is vested in the United States of America, as of August 26, 1971, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

12.

It Is, Further ORDERED, ADJUDGED, and DECREED that the stipulation of the parties, described in paragraph 8 above, to the effect that the estate taken in this case excludes all coal and coal rights in the subject tract is approved.

13.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 14, and the right to receive the just compensation for the estate taken herein in this tract is vested in the parties so named.

14.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation as to Just Compensation, mentioned in paragraph 9 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 304M

OWNERS:

L. D. Eastep and
C. E. Eastep

Award of just compensation		
pursuant to stipulation	\$462.00	\$462.00
Deposited as estimated		
compensation . . . . .	.231.00	
Disbursed to owners		none
Balance due to owners		<u>\$462.00</u>
Deposit deficiency	<u>\$231.00</u>	

15.

It Is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tract, the deficiency sum of \$231.00, and the Clerk of this Court then shall disburse the deposit in this case as follows:

To L. D. Eastep and C. E. Eastep, jointly, the sum of - - - \$462.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

TOP GUIDE, INC.,
PLAINTIFF,
VS.
SUN OIL COMPANY,
DEFENDANT.

71-C-155 ✓

FILED

MAR 1 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER GRANTING PLAINTIFF'S APPLICATION TO DISMISS
PLAINTIFF'S CAUSE OF ACTION

THE COURT HAS FOR CONSIDERATION THE APPLICATION OF
THE PLAINTIFF, TOP GUIDE, INC., TO DISMISS ITS CAUSE OF ACTION,
AND, BEING FULLY ADVISED IN THE PREMISES, FINDS:

THAT SAID APPLICATION SHOULD BE GRANTED.

IT IS, THEREFORE. ORDERED THAT THE APPLICATION TO
DISMISS PLAINTIFF'S CAUSE OF ACTION BE AND THE SAME IS HEREBY
GRANTED AND THE COMPLAINT AND CAUSE OF ACTION ARE HEREBY
DISMISSED.

ENTERED THIS 1st DAY OF March, 1972.

Allen E. Brown

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

STATE FARM FIRE & CASUALTY
COMPANY, a foreign insurance
corporation,

Complainant,

vs.

FRED McDONALD and VIVIAN
McDONALD,

Defendants.

No. 71-G-267

FILED

MAR 1 - 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

Comes now the Plaintiff, through its attorneys, Best,
Sharp, Thomas & Glass, and the Defendants, through their attorney,
Jack Sellers, and stipulate that the above captioned cause of
action be dismissed with prejudice to filing a future action herein.

Best, Sharp, Thomas & Glass
Attorney for Plaintiff

Jack Sellers
Attorney for Defendants

O R D E R

And now on this 3 day of March, 1972, there
came on for consideration before the undersigned Judge of the United
States District Court for the Northern District of Oklahoma, stipula-
tion of the parties hereto of dismissal, parties hereto having advised
the Court that all disputes between the parties have been settled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
above styled cause be and the same is hereby dismissed with prejudice
to the right of the plaintiff to bring any future action arising from
said cause of action.

H. M. Smith
Judge

JOHN H. POT, Clerk
U. S. DISTRICT COURT

18 Allen E. Barrow
Allen E. Barrow, District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

THE TOWN OF SPERRY, OKLAHOMA,
A MUNICIPAL CORPORATION AND
THE SPERRY UTILITY SERVICES
AUTHORITY, A PUBLIC TRUST.

PLAINTIFFS,

VS.

UNION GAS SYSTEM, INC., A
CORPORATION,

DEFENDANT.

72-C-45

FILED

MAR 1 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER REMANDING

THE COURT HAS FOR CONSIDERATION THE MOTION OF PLAINTIFFS
TO REMAND. THE BRIEF IN SUPPORT THEREOF, AND, BEING FULLY ADVISED
IN THE PREMISES. FINDS:

THAT PLAINTIFFS' COMPLAINT IS FOR A MANDATORY INJUNCTION
AND SEEKS NO MONEY DAMAGES.

THAT IN ITS REMOVAL PETITION DEFENDANT CONTENTS THAT THE
COST OF REMOVING ITS GAS DISTRIBUTION SYSTEM WILL BE IN EXCESS OF
\$10,000.00.

THE COURT FINDS, THAT IN DETERMINING JURISDICTIONAL
AMOUNT, SUCH AMOUNT MUST BE DETERMINED BY THE PLAINTIFFS' COMPLAINT
AND NOT BY WHAT CLAIM. IF ANY, THE DEFENDANT MAY HAVE.

IT IS, THEREFORE, ORDERED THAT THE PLAINTIFFS' MOTION
TO REMAND BE AND THE SAME IS HEREBY SUSTAINED FOR LACK OF JURISDICTION
AND THE CAUSE OF ACTION AND COMPLAINT IN THIS ACTION IS HEREBY RE-
MANDATED TO THE DISTRICT COURT FOR TULSA COUNTY, STATE OF OKLAHOMA.

ENTERED THIS 1st DAY OF March, 1972.

Allen L. Brown

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Articles of food consisting of -

Approximately 300 cases of 12 packages each,
article labeled in part (package) "Mama's Wafer
Stix 7 Oz. Net Wt. --- Baked for Mama Cookie Bakeries,
Inc., Tulsa, Okla. 74106, Div. of Mickelberry's Food
Products Co.---," (case) "Mrs. Howell's 1 Doz.---
Wafer Stix---," and

Approximately 211 cases of 12 packages each
Article labeled in part (package) "Mama's Sugar
Wafers---10 oz. Net Wt.---Baked for Mama Cookie
Bakeries, Inc., Tulsa, Okla. 74106, Div. of Mickelberry's
Food Products Co.---," (case) "Mrs. Howell's 1 Doz ---
Sugar Wafers---,"

Defendant.

CIVIL ACTION NO. 72-C-9

FILED

MAR 1 - 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

DEFAULT DECREE OF CONDEMNATION

This matter comes on for consideration, the plaintiff, United States of America, being represented by Nathan G. Graham, United States Attorney for the Northern District of Oklahoma, and it appearing that process was issued herein and returned according to law, and that notice of seizure of the above described articles of food was given according to law, and that no persons have appeared or interposed a claim before the return day named in said process,

IT IS, on this 1st day of March, 1972, ORDERED, ADJUDGED, AND DECREED that the defaults of all persons be and the same are entered herein; and it is further

ORDERED, ADJUDGED AND DECREED that the articles of food so seized be condemned as forfeited to the United States, and that the United States Marshal for the Northern District of Oklahoma do forthwith dispose of same by destruction and make return of his action to this Court; and it is further

ORDERED that the United States of America shall pay all the costs of this proceeding.


UNITED STATES DISTRICT JUDGE